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Ford, Worthington Chauncey.

THE FEDERAL CONSTITUTION IN VIRGINIA
1787-1788.

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FEDERAL CONSTITUTION
IN
VIRGINIA.

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COLLECTED BY
WORTHINGTON CHAUNCEY FORD.

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[REPRINTED FROM THE PROCEEDINGS OF THE MASSACHUSETTS HISTORICAL
SOCIETY, OCTOBER, 1903.]

CAMBRIDGE:
JOHN WILSON AND SON.
University Press.
1903.

THE FEDERAL CONSTITUTION IN VIRGINIA, 1787-1788.

THE interest of the following letters is to be found in the picture they present of the political problems existing in the years 1787 and 1788, in which the United States passed from a loose confederation of States, possessing the shadow of a central authority, a thoroughly discredited Continental Congress, into a nation, under an instrument which, in spite of its compromises, created the machinery necessary for its existence and development. We have formal histories of the time, accounts of the influences leading up to the framing and adoption of the Constitution, and measurements of the results. It is well, however, occasionally to return to original contemporary records, and get at first hand the impressions, the fears, and the aspirations of those who were interested in the politics of that day. Not only does a general view lose sight of many details, but it eliminates much of the local color that is so important to the complete picture. No two States offered precisely the same conditions; no State was homogeneous in conditions or in policy; the existence of parties and factions was recognized, and the personal influence of leaders counted for much. In Virginia, for example, the tide-water counties were very different politically from the counties beyond the mountains. Their economic relations were separate, and this led to a wide division of interests. The ocean and rivers were the natural carriers for Eastern Virginia, and wanting towns and ships, New England performed the necessary commercial functions. The western country faced the other way, and in default of good roads or canals leading to ocean connection, it looked on the Mississippi as its natural channel for the export of produce.

The opinions of the leaders of Virginian politics are well known from the extensive collections of letters from Washing-

ton, Jefferson, and Madison. What is not so well known are the opinions of the lesser leaders, who reflect more clearly the local view, depending upon the immediate opinion of their constituents or summarizing the policy of a county meeting or a State Assembly. It is from this point of view that the following letters become so suggestive. Jefferson was in Europe, Madison was in the very front of the constitutionalists, and Washington exerted a dominant influence on the same side. Their correspondents were not of one opinion, and give many shades of suggestion and criticism. Jones was almost in opposition; Carrington was a judicious critic; Madison (cousin of *the* Madison) was less balanced in his comments, and allowed personalities to sway his judgment. Each writer has some individuality, and touches are given that could be derived from no study of the writings of the "fathers." Time has tested their position, and most of the questions that troubled them have ceased to be vital and become historical. Yet the profound influence exerted by these political problems on the history of the country commends them to our reconsideration; and the issue of the newer problems of "empire" rests upon the development of government and political liberty under the Constitution. Virginia in 1787 faced its "colonial" question in the desire of Kentucky to become an independent State. The continent determined its colonial question in 1787 by the Ordinance for the Government of the Northwest Territory. Not until territory was acquired beyond the natural limits of the United States could the problem of dependencies, colonies, or protectorates arise.

The originals of these letters are, with the exception of the Jones material, in the Department of State, Washington, and will soon be removed to the Library of Congress. The Jones letters were copied many years ago, and I do not know where the originals now rest. They supplement the series printed in the Proceedings, second series, vol. xvi. pp. 116-161.

GEORGE MUTER TO JAMES MADISON.

KENTUCKY, MERCER COUNTY, 20 February, 1787.

SIR, — I beg leave to return you my thanks for your favor of the 7th of January, which I received a few days ago.

Our convention was sitting when the act of last session arrived. The moment the convention received information of the act's being

come to hand, it was directed to be read ; and on considering its contents, it was the opinion of the members generally, that the convention by the passing of the act, was dissolved. I was doubtful then, that that opinion was too hastily adopted, and that a dissolution of the convention was not intended ; in which opinion, since I received your letter, I am now satisfied I was right. I have showed your letter to several of the members ; they are of the same opinion with me, but we can see no means of the convention's being able to act again during its continuance, or even of being called, let the meeting be ever so proper or necessary. A very considerable delay must now take place in the business of separation ; whether that will be attended with good or bad consequences, I am at present unable to determine. Those of the people that were against a separation, exult exceedingly ; they think they have gained a victory, and plume themselves upon it, highly indeed. The friends to a separation are rather displeased, they think the petition signed by about 70 obscure persons, had more influence than it ought to have had ; and they fear, disagreeable consequences may arise from the delay. 'Tis remarkable that the petition was drawn by a Dr. Brooke, who was a member of the first convention, and moved that Kentucky should immediately declare itself independent ; and that Taylor who carried it in, from some expressions that I heard drop from him, I think there is reason to believe, would wish for an unconditional separation. I am, however, of opinion, that the terms held out by the act of separation will be accepted of, in spite of everything that can be done to the contrary ; and, I am certain, that the convention would have voted the terms reasonable, in a few hours after the time they received the act.

I am perfectly satisfied of the propriety of the 7th Article: your reasonings have convinced me my doubts (for it went no farther with me) were wrong. I find too, that many others with whom I have conversed on that subject since I received your letter, agree with me in opinion.

There has, I firmly believe, a great change taken place in the minds of the people since the last election ; but it is very different from what I have reason to believe, it was represented to be in Richmond ; I have not a doubt that a great number of people who were against a separation at the time of the election, are now for it, and I have not heard of a single person who was inclined for a separation then, having changed his mind.

Our people here are greatly alarmed at the prospect of the navigation of the Mississippi being given up. And I have not met with one man, who would be willing to give the navigation up, for ever so short a time, on any terms whatever. For my own part, although I wish for the right of the navigation's being secured to the citizens of the United States, yet I could wish to see the people of the western country

in general, and the people of Kentucky in particular, make but a very sparing use of it. I am satisfied, foreign commerce can never be beneficial in any considerable degree to a people so far removed from the sea; and that it must be ruinous if the people are engaged in raising a rough material, and that a bulky one, and of little value too, to be improved by foreigners. This country in my opinion must be principally employed in manufacturing their own necessaries, or forever be a poor one. If after supplying themselves with all their coarse goods they might stand in need of, the people could furnish some article of light carriage and high value, such as silk, to exchange for such fine goods as they wished to have, and could not conveniently make, it might be well enough; but to goe farther would be acting contrary to their true interest; and I am inclined to think contrary to the intention of Providence who seems to have formed this country to live within itself, by furnishing it with all the absolute necessaries of life, in such plenty, as to require only the industry of the people to procure them in the greatest abundance.

The situation of the people of this district from the war with the Indians is really distressing. The expeditions of last fall, tho' carried on at a vast expense, seem not to have been attended with one single good consequence: on the contrary, there is reason to believe, the Indians have rather gained a greater degree of confidence than they before possessed, and have been more irritated against us than they were. They seem now to be pushing us on every side; mischief has been done lately on the frontiers of almost every county in the district, and partys have even ventured to commit their depredations within about 15 miles of Danville; and one party, supposed to consist of about twenty, was seen last week, not much over 15 miles from Danville, and within about six or seven miles of Harrodsburgh. A great many poor people have already been forced to remove from their habitations, and it is not to be doubted, but that many more will be forced to follow their example. There seems to be no security at present, but in the very thickest settled parts of the country, and how long there may be safety even there, it is impossible to determine. The people however do not seem dismayed; they keep up their spirits still, and they seem generally to be of opinion, that the strength of the country is fully sufficient for its defence could it only be properly exerted. At the same time, they think Congress ought to make some exertions in their favor; but they have little hopes of any good arising to them, at least this spring and perhaps summer, either from the troops resolved to be raised by Congress for the defence of the western country, or from any other exertion by Congress in their favor whatever.

The situation of affairs in Massachusetts seems to be distressing indeed. And it is, I think, to be feared, that the example may be

productive of mischief in some of the other States. Such a state of affairs is truly deplorable, more particularly as there is reason to suspect that British emissarys are busying themselves on the occasion. How far the mischief may extend it is impossible to foresee; but, I would fain hope, it will produce an inclination in the minds of all men to use every endeavor to bring about such an amendment of the federal union as has, now, become absolutely necessary. Virginia has done herself honor in the choice of her deputies. I hope her example will be followed by the other States, and I pray that the exertions of the deputies from the States of the union, at their meeting, to amend the constitution, and thereby to secure to the people, the blessings that may be reasonably expected from the revolution, may be blessed with the fullest success. I am, &c.

GEORGE MUTER.

JOHN CAMPBELL TO JAMES MADISON.

PITTSBURGH, 21 February, 1787.

SIR, — On my way to this place, I met a man from the settlement on Cumberland River, in North Carolina, who had just come in by the way of Kentucky. He informs that the minds of all the western people are agitated on account of the proposed cession of the Mississippi navigation to Spain. Every person talks of it with indignation and reprobates it as a measure of the greatest injustice and despotism, declaring that if it takes place they will look upon themselves released from all federal obligations, and fully at liberty to seek alliances and connections wherever they can find them, and that the British officers at Detroit have already been tampering with them. I am apprehensive that these matters will hasten the separation of the District of Kentucky prematurely from the other part of the State, the inhabitants of North Carolina to the westward of Cumberland Mountain being desirous to join the people of Kentucky in forming one State, an event desirable in my opinion both to the old and the new, provided we parted in friendship, which I sincerely wish to be the case, happen when it may, but which does not promise fair from the present appearance.

I enclose your last week's gazette, wherein you will see the resolves of the Patriotic convention of Washington County. This town has also framed a petition to the Assembly respecting the navigation of the Mississippi, which is now out signing, and have also appointed a Committee of Correspondence to receive and communicate intelligence from and to all places to the westward immediately interested.

Before I conclude, I must not omit mentioning what appears to me singular. Every individual with whom I converse on the subject is

fully sensible of the pernicious tendency the measure of ceding or forbearing the use of the river will have in reducing the value of the Western Lands belonging to the United States, and whenever they assign any reason that would induce Congress to such a measure, impute it to the spirit of speculation in some aristocratic Junto who wish to procure vast landed property in that country for little value, to the great injury of the Publick.

I have no other news to communicate, except that the Indians still continue their depredations in Kentucky, having killed some people lately in Jefferson County. I shall set out thither shortly, and if any thing worth communicating occurs, I will take the first opportunity of acquainting you of it. . . .

JOHN CAMPBELL.

A. DONALD TO THOMAS JEFFERSON.

RICHMOND, 1 March, 1787.

. . . In consequence of the agreement with the Farmers General of France on the 24th May last, to receive from 12 to 15,000 hhd's of tobacco, over and above the quantity contracted for with Mr. Morris, at the same prices which are paid him, provided the tobacco was sent direct from the place of its growth, in French or American vessels, several speculations have already been made, and I have lately chartered a large ship to send to Havre de Grace, but I am much alarmed at being lately informed that every possible obstacle is thrown in the way of carrying the resolutions of the Committee of Berri into effect. Some cargoes have been refused, and those that have been accepted, have been at an inferior price to what Mr. Morris receives for tobacco shipped from the very same rivers. I hope this information is not founded, but if it is, many individuals will suffer severely by their confidence, and it will be a great loss to the publick. For the prices allowed Mr. Morris appeared so tempting, that many gentlemen were induced to speculate to France. The consequence has been a very considerable rise in the price of tobacco at all the river warehouses on this river, as well as at Petersburg, and upon Rappahanock and Potowmack, from which places Mr. Alexander chiefly draws his quantity. He ships very little from this place, or Page's, (where you and myself have passed some happy days). . . .

I will not presume to trouble you with my opinion of the political situation of the United States. That you will no doubt be informed of by those who are more adequate to the task; but I cannot help expressing great uneasiness at the disturbances in the Eastern States. And it gives me pain to add, that the people in this State will in the course of a year or two be unable even to pay the taxes, unless there

is a possibility of falling upon some happy plan of moderating their extravagance and encouraging their industry. I am sure you will blush for your countrymen when I assure you that in this and all the other towns in this State, we are supplied by our sister States to the eastward with the most of our hay, cabbages, potatoes, onions, &c. so that they even send us lime, bricks and framing for houses ready for setting up. Many a time I laugh at my Friends for this want of industry. . . .

A. DONALD.

JOHN DAWSON TO JAMES MADISON.

FREDERICKSBURG, 15 April, 1787.

. . . From a persuasion that a large majority of the citizens of this State are warmly opposed to the payment of British debts, I am apprehensive that the act of Congress will be but coolly received, tho' I presume in their letter they will give reasons of sufficient weight to convince the disinterested. I assure you that matters here wear a very disagreeable aspect—the people of Carolina have, I am informed, entered into an association, and are determined to purchase no property sold by execution. The extreme scarcity of hard money is the reason urged, and indeed there is too much weight in it. Three days since I attended a sherriff's sale in this county, where very likely negros, such as before the war would have brought eighty pounds, were sold for thirty. In most of the counties, petitions to the next Assembly will be handed about, for the payment of debts either in property, or by installments, and should both be refused, and the scarcity of money continue, I know not what may be the consequence, as I am informed that in some of the low counties, they talk boldly of following the example of the insurgents in Massachusetts and preventing the courts proceeding to business.

Much depends on the Convention in May. The attention of almost every person is fixed on that body, and should the issue not be successful, which I am very sorry to find you suspect, I fear there will be an end to the general confederacy. You have I presume heard that Gen'l Washington has consented to attend. About that time I expect to have the pleasure of seeing you in Philadelphia. As my object is to gain information on many political points, which I presume will be investigated in the ablest manner, and which will be very useful to me in the next Assembly, I must renew a request I before made, that if it can be done with propriety, you will permit me to hear the debates. If it cannot, I am sure you will give me any information in your power, and I shall ever thank you, if you will, in case you arrive before me, engage a room in the house you put up at, convenient to yours.

Our friend Monroe is elected for this county contrary to the expectations of almost every body. Mr. Page's conduct during the last Assembly, and his opposition to the tobacco bill lost him his election. Old Mr. Harrison, I am informed, is also elected. Mr. Marshall and young L. Lee are acquisitions to the house; but the loss of R. B. Lee a disadvantage. Mr. Smith, I hear, will probably be left out. . . .

J. DAWSON.

EDWARD CARRINGTON TO THOMAS JEFFERSON.

NEW YORK, 24 April, 1787.

DEAR SIR, — I had the honor to receive your favor of the 16th of January by Col^o Franks, and thank you sincerely for the confidence with which you claim my services, as for your friendly communications. The former you may at all times command; the latter will not only be gratefully received, but repaid as far as my attempts to do so can go. The letters to your friends were immediately forwarded under cover to Dr. Curry. The packages are committed to the care of Mr. Bannister, who goes off this day by stage to Richmond. No gentleman before him has been travelling thither by this mode, since the arrival of the packet, and to have committed them to the stage, without the immediate care of a person who was to go the whole way, would have amounted to no more than an consignment to the first stage office in which they might have been deposited for a night, or perhaps to be thrown into the highway by the first traveller who might conceive himself incommoded by them. There is scarcely an instance of any thing's going safely that is casually committed to the stage. Mr. Bannister intends to go immediately on, but should he by any accident be delayed, he will more readily meet with a hand who is going to Richmond further on the way than I shall here, and is apprised of the despatch which is necessary in the case.

You have doubtless been informed of the measure of a general convention which was proposed by Virginia in the fall session, for revising and thoroughly amending the Confederation. Some of the States hesitated upon the adoption of the measure, as being unauthorized by Congress, and of course, improper. To remove every possible difficulty Congress came to a resolution in February recommending its adoption; all the States have appointed deputies except Maryland, Connecticut and Rhode Island. Maryland is now in session, and that she will appoint is not doubted. Connecticut is also in session, and it is believed will appoint. Rhode Island is at all points so anti-federal, and contemptible, that her neglecting the invitation, will probably occasion no demur whatever in the proceedings. The meeting is to take

place in Philadelphia, the second Monday in May. Various are the conjectures as to the issue of this meeting, and still more various are the suggested remedies to the defects of our system. I am rather a zealot in the measure because it will operate, at least as an alarm, but whether it will be productive of any immediate effects may be doubtful. Perhaps that experiment has not yet been made of the present system, which could discover its defects, or point to their remedies. I am certain it is very imperfect, but at the same time there are evident causes for its failure, other than those of defectiveness in the construction. The best of governments, like other things, can prosper alone by due attention. America was placed in possession of peace and independence under circumstances which have not only deprived her political systems of the necessary care of her citizens, but exposed her to the injurious designs of men whose interest it has been to destroy the efficiency of government, a great proportion of the people being loaded with debt have found an interest in promoting measures directly opposed to good government, and have been solicitous to direct the public affairs; whilst better men have been inactive or engrossed by the alluring invitations of ease and plenty in our vast western and southern regions.

The deputies to the convention for Virginia are Genl Washington, E. Randolph, G. Wythe, John Blair, Geo. Mason, J. Madison, and Jas. McClurg. Mr. Henry, Mr. R. H. Lee and Genl. Nelson have declined appointments which were offered them. Genl. Washington, it is hoped, will attend, but there is some reason to apprehend the contrary—his state of health is not a good one.

I am pleased to hear of the impressions which have been received in Europe with respect to the late commotions in Massachusetts. A perfect quiet prevails there now, but it is said the elections for the ensuing year are not free of the influence of malcontents.

The convention will be productive of things worth communicating to you, and I will do myself the pleasure to write by the first opportunity that offers after its commencement.

ED. CARRINGTON.

WILLIAM HAY TO THOMAS JEFFERSON.

RICHMOND, April 26, 1787.

. . . Your native country exhibits at present a very gloomy picture, the striking tracts of which are a degeneracy of manners and an unequal and slow administration of justice. The people are greatly in debt, and the cry is *paper money*; punctuality is gone, and all faith and credit in individuals are lost. The prudent measures of last assembly respecting paper money and the public securities, gained them immortal honour,

and had their other proceedings been dictated by the same wisdom we should ere this moment have heartily begun a series of reformation. The means which, since the peace, have fostered luxury and extravagance are now withheld from the bulk of the people, the staple commodity of the country is fallen, and goods are now and will be more and more scarce. Necessity therefore will teach us frugality and temperance. Indeed the culture of cotton, flax and hemp is taken up again, and as if awoke from a dream the people wonder how they could lay aside manufacturing the coarse articles which their families stood in need of, and of which experience during the war, taught them the advantages. Farming and gardening are more general and the culture of the grapes is now become fashionable. The farmer however has seen with sorrow his crops of small grain, particularly the wheat and frequently the corn, almost totally destroyed for some years past by a pernicious insect. The damage is done while it is yet in its first stage of existence, the little enemy dwells in safety between the outer leaves which cover the joints and the stalk. In this state they appear not unlike a young bed bug, and smell exactly as they do. They differ in colour only by a dusky black streak across the neck; when they have acquired wings, they are all over of that dusky colour, except a very large one which you will find now and then of the same colour of the young brood, whether male or female, I have not been able to determine. No remedy has been found out for them. Their progress is from south to north, and such havoc have they made, that many farmers have been obliged to leave off the culture of wheat, and by that means they have left their farms. The same bug is known to the northward, and is there denominated the Hessian fly. . . .

WM. HAY.

EVAN SHELBY TO BRIG. GEN'L RUSSELL.

SULLIVAN COUNTY, 27 April, 1787.

DEAR GENERAL, — Nothing but real necessity and the dreadful apprehensions of an intestine war induces me to correspond with you on that head. The lenient and conciliating measures of the General Assembly of North Carolina being treated with the utmost contempt, the new State party are now falling on the civil officers of government, with men in arms, and wresting their property from them, forcibly and contrary to law; their Assembly have also set, ratified and confirmed sundry acts, one of which doubtless Virginia must share in its consequences; they opened an office for the lands from French broad river to Tennessee river, being the lands reserved to the Indians by the General Assembly of North Carolina to them and their heirs forever; they are forcibly

taking possession of the same and settling in view of their towns. This cannot fail bringing on the resentment of the Indians, and involve us in a war with them, which your frontiers must share in its dreadful consequences; This I should think highly necessary to be known to the Executive of Virginia. I am now under the fullest apprehension of engaging in an intestine war, in consequence of which have made an application to Government for assistance; those unprovoked insurrections seem to have a tendency if possible to dissolve even the very bands of the federal union. I am not certain that I may not be under the disagreeable necessity of making a very speedy application to you for assistance, should not the troops from our State arrive in time to relieve us. I therefore hope you will as a member of the union and a lover of your country lend every possible aid and assistance to relieve us, and hold yourself in readiness for the same. Having the fullest confidence in your Patriotism, your valor and good conduct, I submit the same to your mature consideration. I am, &c.

EVAN SHELBY.

ARTHUR CAMPBELL TO JAMES MADISON.

WASHINGTON COUNTY, 12 May, 1787.

SIR, — Being neither acquainted with your Secretary at War, nor Doctor White, the Superintendent for the Southern Department, I have taken the liberty to request your notice to the affairs of the Southern Indians which are now in such a State, that the Spaniards on one hand, and other improper intruders on the other, may excite them all to become our enemies: or at best useless friends, whereas a little kindness and good management this year may engage them lastingly in the American interest. I am doubtful the choice of Doctor White is rather an unfortunate one for Virginia, and indeed for the Union, as he seems to be very much a stranger to Indian manners and customs, and perhaps loves ease too well to undertake the journeys necessary to make the proper arrangements. At all events, if continued in office, he ought to be urged speedily to fulfil the purposes of the ordinance for the regulation of Indian affairs. Connected with this, indulge me to hint, that a company of the troops of the United States ought to be stationed somewhere on the Tennessee, above the Cumberland mountain for one year. They might then move down the river towards the mouth. The greater strangers these men are the better.

If this should reach you before the Convention breaks up, Governor Randolph can explain the matter more fully from the communications I have lately had the honor to make him. Together with what you may learn from the bearer, Mr. Alexander Drumgoole, who is lately become

a popular trader in the Cherokee country, and is now intrusted with one of the war captains of that nation to make an application to Congress. I am Sir, &c.

ARTHUR CAMPBELL.

WILLIAM GRAYSON TO JAMES MADISON.

24 May, 1787.

DEAR SIR, — I am much obliged by your kind favor, and am sorry I have so little to communicate from this quarter worth your acceptance; we have been a caput mortuum for some time past, except the little flurry that was kicked up about Philadelphia. Carrington, I presume, has given you full information on that point; during the contest, the enemy wanted to raise a mutiny in our camp by proposing to go to Georgetown at a certain time. They were answered, they had served us so once before. Since the matter has blown over, some particular gentlemen have offered to join us in getting Georgetown fixed as y^e capital of the foederal Empire: they say they will vote money for the buildings, and in every respect make the compact as irrevocable as the nature of the case will admit of, provided we will agree to stay here a reasonable time untill everything is made proper for their reception. I am not certain when all the Eastern States come forward, but some good may come out of this, provided we act with delicacy and caution. Most of y^e foreigners who come among us say the sessions of Congress should be fixed by national compact; I think they are right in their reasoning with respect to all such governments as ours. The arguments are too obvious to be mentioned to you. We have a right to it at Georgetown: and ought in justice to get it.

Entre nous, I believe the Eastern people have taken ground they will not depart from respecting the Convention. One legislature, composed of a town-house, tri-ennially elected, and an *Executive* and *Senate*, for a good number of years. I shall see Gerry and Johnson, as they pass, and may perhaps give you a hint.

Since your departure, Maryland has openly declared against the Mississippi. It is therefore of y^e utmost importance that S^c Carolina should think right on y^e subject. Parker, who comes in in November next, is firm; and Mr. Kean from his bad state of health will not in all probability attend.

We have lately had a new farce wrote by Poet Tyler, called May day. It has plott and incident, and is as good as several of y^e English farces. It has, however, not succeeded well, owing, I believe, to y^e Author's making his principal character a scold; some of the New York ladies were alarmed for fear strangers should look upon Mrs. [illegible] as the model of the gentlewomen of this place. . . .

WILLIAM GRAYSON.

EDWARD CARRINGTON TO THOMAS JEFFERSON.

NEW YORK, 9 June, 1787.

DEAR SIR,— I did myself the honor to address you by favor of Mr. Payne, in answer to yours of the 16th January.

The proposed scheme of a convention has taken more general effect, and promises more solid advantages than was at first hoped for. All the States have elected representatives except Rhode Island, whose apostasy from every moral as well as political obligation, has placed her perfectly with the views of her confederates; nor will her absence, or non-concurrence, occasion the least impediment in any stage of the intended business. On Friday the 25th ult. seven States assembled at Philadelphia. The convention was formed by the election of General Washington, President, and Major W. Jackson, Secretary. The numbers have since increased to 11 States. New Hampshire has not yet arrived, but is daily expected.

The commissions of these gentlemen go to a thorough reform of our confederation. Some of the States at first restricted their deputies to commercial objects, but have since liberated them. The latitude thus given, together with the generality of the commission from the States, have doubtless operated to bring Genl. Washington forward, contrary to his more early determination. His conduct in both instances indicates a deep impression upon his mind of the necessity of some material change. It belongs to his wisdom and weight of character to be averse to meddling in a fruitless attempt, and this must have been the case upon a confined ground, or a very partial representation of the States. It would have been equally inconsistent with his situation to come forward upon any occasion, except in the extremity of public necessity. In every public act he hazards, without a possibility of gaining, reputation. He already possesses everything to be desired from the love or confidence of a free people, yet it seems that it remained for himself to add a lustre to his character, by this patriotic adventure of all for his countries good alone.

The importance of this event is every day growing in the public mind, and it will, in all probability produce an happy era in our political existence. Taking a view of the circumstances which have occasioned our calamities, and the present state of things and opinions, I am flattered with this prospect. Public events in the United States since the peace have given a cast to the American character which is by no means its true countenance. Delinquencies of the States in their federal obligations; acts of their Legislatures violating public treaties and private contracts, and an universal imbecility in the public administrations, it is true, form the great features of our political conduct; but these have resulted rather from constitutional defects, and accidental

causes, than the natural dispositions of the people. Destitute as the federal sovereignty is of coercive principles, backwardness in the component parts to comply with its recommendations, is natural and inevitable. Coercion in government produces a double effect. While it compels the obedience of the refractory, it redoubles the alertness of the virtuous by inspiring a confidence in the impartiality of its burthens. From defect of penalty, ideas of delinquency are inseparable. States as well as individuals, will contemplate both together, and apprehensions of unequal performance, produce disgust and apathy throughout.

The nefarious acts of State governments have proceeded not from the will of the people. Peace once obtained, men whose ability and integrity had gained the intire popular confidence; whose zeal or indolence in the public affairs, alike, moved or lulled the people, retired from the busy scene, or at least acted with indifference; the newspapers ceased to circulate with public information; demagogues of desperate fortunes, mere adventurers in fraud, were left to act unopposed; their measures of course either obtained the consent of the multitude by misrepresentation, or assumed the countenance of popularity because none said Nay. Hence have proceeded paper money, breaches of treaty, &c. The ductility of the multitude is fully evidenced in the case of the late tumults in Massachusetts. Men who were of good property, and owed not a shilling, were involved in the train of desperadoes to suppress the courts. A full representation of the public affairs from the General Court through the clergy, has reclaimed so great a proportion of the deluded, that a rebellion, which a few months ago threatened the subversion of the government is, by measures scarcely deserving the name of exertion, suppressed, and one decided act of authority would eradicate it forever. In this experiment it is proved that full intelligence of the public affairs not only would keep the people right, but will set them so after they have got wrong.

Civil liberty, in my opinion, never before took up her residence in a country so likely to afford her a long and grateful protection, as the United States. A people more generally enlightened than any other under the sun, and in the habit of owning, instead of being mere tenants in, the soil, must be proportionately alive to her sacred rights and qualified to guard them, and I am persuaded that the time is fast approaching when all these advantages will have their fullest influence. Our tendency to anarchy and consequent despotism is felt, and the alarm is spreading. Men are brought into action who had consigned themselves to a state of rest, and the Convention, as a beacon, is rousing the attention of the Empire.

The prevailing impression as well in, as out of the Convention, is that a federal government adapted to the permanent circumstances of the country, without respect to the habits of the day, be formed, whose

efficiency shall pervade the whole Empire : it may and probably will, at first, be viewed with hesitation, but, derived and patronised as it will be, its influence must extend into a general adoption as the present fabric gives way. That the people are disposed to be governed is evinced in their turning out to support the shadows under which they now live, and if a work of wisdom is prepared for them, they will not reject it to commit themselves to the dubious issue of anarchy.

The debates and proceedings of the Convention are kept in profound secrecy. Opinions of the probable result of their deliberations can only be formed from the prevailing impressions of men of reflection and understanding. These are reducible to two schemes: the first, a consolidation of the whole Empire into one republic, leaving in the States nothing more than subordinate courts for facilitating the administration of the laws; the second, an investiture of the federal sovereignty with full and independent authority as to the trade, revenues and forces of the union and the rights of peace and war, together with a negative upon all the acts of the State legislatures. The first idea, I apprehend, would be impracticable, & therefore do not suppose it can be adopted. General laws through a country embracing so many climates, productions and manners as the United States, would operate many oppressions, and a general legislature would be found incompetent to the formation of local ones, as a majority would in every instance be ignorant of, and unaffected by the objects of legislation. The essential rights, as well as advantages, of representation would be lost, and obedience to the public decrees could only be assured by the exercise of powers different from those derivable from a free constitution. Such an experiment must therefore terminate in a despotism, or the same inconveniences we are now deliberating to remove. Something like the second will probably be formed. Indeed I am certain that nothing less than what will give the federal sovereignty a complete controul over the State governments will be thought worthy of discussion. Such a scheme constructed upon well adjusted principles would certainly give us stability and importance as a nation, and if the Executive powers can be sufficiently checked, must be eligible. Unless the whole has a decided influence over the parts the constant effort will be to resume the delegated powers, and there cannot be an inducement in the federal sovereignty to refuse its assent to an innocent act of a State. The negative which the King of England had upon our laws was never found to be materially inconvenient.

The ideas here suggested are far removed from those which prevailed when you were amongst us, and as they have arisen with the most able from an actual view of events, it is probable you may not be prepared to expect them. They, are, however the most moderate of any which obtain in any general form amongst reflective and intelligent

men. The Eastern opinions are for a total surrender of the State sovereignties, and indeed some amongst them go to a monarchy at once. They have verged to anarchy, while to the southward we have only felt an inconvenience, and their proportionate disposition to an opposite extreme is a natural consequence. . . .

ED. CARRINGTON.

REV. JAMES MADISON TO JAMES MADISON.

11 June, 1787.

DEAR COL., — I am greatly indebted to you for the books you were so good as to send me by Mr. Griffin, particularly y^e observations of Mr. Adams; not, however, that he has made a Convert of me, any more than I trust, he has of you, to what appears to be y^e secret Design of his Work. It is probable, my dear Friend, that all that Trouble was taken, and shew of learning displayed, merely to refute the Opinion of Mr. Turgot — an opinion sufficiently innocent in itself, and which had no, or but very few Advocates in America, if we judge from the Gov^{ts} wh. have been established. Mr. Adams is greatly mortified that our Executives have not a Negative upon the Legislatures — and thinks the British System of Gov^t beyond Comparison, y^e wisest and y^e best ever yet invented. He must wish then to introduce a similar Gov^t into America. His Executive (w^{ch} he also thinks sh^d be single) must be a King — y^e Senate, Lords, the House of Delegates, Plebeians or Commons. Thus under ye mask of attacking Mr. Turgot, he seems insidiously attempting, notwithstanding now and then a saving clause, to overturn our present Constitutions, or at least to sow the seeds of Discontent. I believe, if this supposition be just, it is the first Instance wherein a public Minister at a foreign Court has been foremost in openly and avowedly plotting Revolutions in the Gov^t he represents. I fear his Optics have been too weak to withstand the Glass of European Courts. Their air may have corrupted the plain Republican, and lest he should be farther mortified, I think Congress would do well to give him as speedily as possible ye opportunity of breathing once more y^e purer American air. Jefferson thanks his God that the day of Kings, Nobles and Priests are almost past. Adams must trust in his, that they will be seen to rise in America with new Splendor — which sentiment is y^e more worthy of a man of common sense, I will not say political knowledge, we need not determine. The Truth is, I believe, y^e Outlines of y^e American governments are as well drawn, in order to promote public and private Happiness, and to secure that greatest possible Portion of Liberty, which we have so successfully contended for, as human sagacity could possibly devise. These Outlines only require

to be skilfully filled up, perhaps in some Cases to be somewhat extended; but as to a Renunciation of y^e original Plan, I hope in God, no honest, independent Man will hesitate. The least that ought to be done surely, is to make a fair Experiment. This requires Time, particularly as we may reasonably expect that y^e rising Generation will be much better actors upon y^e Republican Theatre than their Predecessors. Besides Time is essentially necessary to give Force and Energy to any Government. Nothing is more illusory on most occasions, than y^e use of metaphorical Language. I question whether this Balance, w^{ch} Adams talks so much about, has not served somewhat to mislead him. Government must be properly balanced. But a Balance must be supported or held up, and there must also be something to be weighed in each Scale. Hence the Idea of a Monarch, King, or Executive, with negative Powers, holding in his all powerful Hand the Beam, and Lords and Commons dancing up and down in each Scale, until his Majesty takes as many of his good People out of one Scale, and throws them into ye other, as will produce ye desired Equipoise. Then arises a goodly Gov^t admirably balanced.

There is another Circumstance of much more Importance, which these Admirers of British Gov^t seem entirely to forget. There did exist in that Country, and indeed throughout both ancient and modern Europe, from ye earliest Periods, this spurious Race of Men called Nobles. They become so firmly established either through Power or Prejudice, that to eradicate them was impossible; so that in settling ye British Gov^t, the only Question could be how shall we moderate this enormous Evil as much as possible. It could not be removed, and therefore it was wise to adopt a System, by w^{ch} the least probable Injury should be sustained from it. Perhaps the British Gov^t may be considered as having fortunately adopted that which would best temper an Evil inseparable from the Nation. But surely, notwithstanding what Adams may dream, and De Lome think, it would be as rational for a healthy, robust Mountaineer to take a moderate Dose of Arsenic, or something else, to reduce himself to y^e Temperament of a Lowlander, as for America, free and uncorrupted as she now is, to encourage a system by which a Race of Men might be gradually introduced, which must eventually prove a certain Poison both to public and private Happiness, tho' she might be assimilated to that Idol, Great B— Fortunate as we are in knowing no Distinction among Men, but such as Nature has established; singularly fortunate indeed, in being free from y^e most absurd and degrading Differences amongst Citizens — Differences, which Ignorance and Poverty gave Birth to, and w^{ch} Nothing but Folly and Pride would introduce or maintain, I trust the Patriots of America will ever evince to their Country and y^e World, not only y^e Resolution to maintain our present Forms of Government, pure as

they originated, but that they will discover y^e Means of giving them that Energy w^{ch} a Gov^t of Law requires, and that Permanence, which, if possible, may be everlasting.

Thus have I said twice as much as I intended, or need have said to you. But ye Subject is interesting and you see ye Impressions w^{ch} ye first reading of ye Defence has made upon me. Besides, I find even here, the Publication of that Book is considered as a Sanction for ye open avowal of opinions w^{ch} tend effectually to undermine or stab our Republic. . . .

J. MADISON.

JOHN DAWSON TO JAMES MADISON.

12 June, 1787.

DEAR SIR, — After an absence of near three weeks, I have just returned to this place and am favored with your letter of the 27 of May. The prospect of a *general* convention of the States appears to me very faint, and I wish to be informed whether the States assembled, or those that probably will meet, will proceed to any business. I apprehend that nothing decisive can be done without the concurrence of the whole.

I have lately been on the south side of James River; the people in general appear very much discontented, and I really fear that a majority of that part of the State are in favor of paper money. Neighbors to the Carolinians, (whose money has depreciated one hundred per cent) they have contracted a similar way of thinking — and inattentive to the future honor and interest of the State, they are friends to any measure which will afford present relief. In Henry county, the high Sheriff has not given security for the collection of the taxes, and I was told it would be dangerous for any person to offer. Of course, no collection goes on, and the people appear happy in this expedient of evading payment. In King William, the night before the May court, the court house, with all the records of the county, was burnt down. Some circumstances prove that it was designedly done.

You, I know, are opposed to the plan of incorporating towns, which, in this State, has been so much in vogue, for some years past. The people in this county, convinced of the bad policy, intend to petition the next Assembly for a repeal of the law incorporating this town. I have promised to forward these wishes, and will thank you for any information you can give me on this subject, together with your reasons for being unfriendly to them. Are any towns in the Eastern States incorporated? Is Philadelphia? Was it before the war, and how long? . . .

J. DAWSON.

EDWARD CARRINGTON TO JAMES MADISON.

NEW YORK, 13 JUNE, 1787.

. . . Had the rules of the Convention permitted communications from thence, you would have conferred an obligation by including me in the number of your correspondents upon the subjects of deliberation in that assembly. My curiosity is, however, perfectly suppressed by the propriety of the prohibition. Having matured your opinions and given them a collected form, they will be fairly presented to the public, and stand their own advocates — but caught by detachments, and while indeed immature, they would be equally the victims of ignorance and misrepresentation. The public mind is now on the point of a favorable turn to the objects of your meeting, and, being fairly met with the result, will, I am persuaded, eventually embrace it — being calculated for the permanent fitness, and not the momentary habits of the country, it may at first be viewed with hesitation, but denied and patronised as it will be, its influence must extend into an adoption as the present fabric gives way. The work once well done, will be done forever; but patched up in accommodation to the whim of the day, it will soon require the hand of the cobbler again; and in every unfortunate experiment, the materials are rendered the less fit for that monument of civil liberty, which we wish to erect. Constitute a federal government, invigorate and check it well, give it then independent powers over the Trade, the Revenues and forces of the Union, and all things that involve any relationship to foreign powers; give it also the revisal of all State acts, unless it proposes a compleat control over the State Governments, the constant effort will be to resume the delegated powers. Nor do I see what inducement the federal sovereignty can have to negative an innocent act of a State. Constitute it in such shape that its first principles being preserved, it will be a good republic. I wish to see that system have a fair experiment — but let the liability to encroachments be rather from the federal, than the State, Governments. In the first case we shall insensibly glide into a monarchy, in the latter nothing but anarchy can be the consequence.

Some Gentlemen think of a total surrender of the State sovereignties. I see not the necessity of that measure for giving us national stability or consequence. The negative of the federal sovereignty will effectually prevent the existence of any licentious or inconsiderate act, and I believe that even under a monarchy, it would be found necessary thus to continue the local administrations. General laws would operate many particular oppressions, and a general legislature would be found incompetent to the formation of local ones. The interests of the United States may be well combined for the common good; but the affairs of so extensive a country are not to be thrown into one mass. An attempt to con-

federate upon terms materially opposed to the particular Interests would in all probability occasion a dismemberment, and in that event, within a long time yet to come, the prospects of America will be at an end as to any degree of national importance, let her fate be what it may as to freedom or vassalage. Be good enough to present me to your honorable colleagues and believe me, &c.

ED. CARRINGTON.

EDWARD CARRINGTON TO JAMES MADISON.

NEW YORK, 25 July, 1787.

DEAR SIR, — . . . We are trying to do something with our Western Territory to make it useful to the purposes for which the United States were vested with it. You have seen in the papers the scheme for the temporary as well as perpetual government of it. A practicable measure for the sale of it, or rather by means of it to redeem the domestic debt, remains still to be agreed upon, and I fear the difficulties which have always stood in the way of this great object, are not yet to be surmounted. Col. Lee joins Grayson and myself with great zeal, but what will be the issue of our efforts I know not.

Indian affairs wear an hostile aspect, and money must in all probability, be expended in Treaties with them. A general confederacy is formed of all the nations and tribes from the Six Nations inclusive to the Mississippi under the immediate influence of Brandt. A general Council has been held in form, near Detroit, as long ago as last December, in which have been considered as grievances, our surveying over the Ohio, the cessions being made by only parts of the Tribes having rights in the ceded Tracts. Of these injuries or grievances they have sent an united representation to Congress, requesting that a general Treaty may be held. Perhaps this business may be directed by an authority higher than that of Brandt, and should our titles to the land be compleat, it will still be better to spend a little money in Treating, rather than expend a great deal in War, which from the generality of the confederacy is seriously to be apprehended. This subject is now under consideration.

As to the hostilities upon Kentucky, the superintendant of Indian Affairs, or in case of his inability to go, Colo. Josiah Harmar, is ordered to proceed immediately to some convenient place for holding a Treaty with the hostile tribes, and by that means restore peace between them and our people if practicable. In the meantime Col. Harmar is so to post the Federal Troops as to provide the best defence for the Country, and to call for such aids of militia as he shall find necessary. Should the Treaty not succeed report is to be made to Congress for their further

orders, as to offensive operations. The state of the general confederacy requires some care in the direction of this business. The desperate state of things in the United Netherlands you see in the papers. . . .

ED. CARRINGTON.

REV. J. MADISON TO JAMES MADISON.

WILLIAMSBURG, 1 August, 1787.

DEAR COL. — We are here, and I believe everywhere, all impatience to know something of your conventional deliberations. If you cannot tell us what you are doing, you might at least give us some information of what you are not doing. This would afford a clue for political conjecture, and perhaps be sufficient to satisfy present impatience. I hope you have already discovered the means of preserving the American Empire united, and that the scheme of a disunion has been found pregnant with the greatest evils. But we are not at this distance able to judge with any accuracy upon subjects so truly important and interesting as those which must engage you at present. We can only hope that you will all resemble Cæsar, at least in the particular “*nil actum reputans si quid superesset agendum*”; and that your exertions will be commensurate to the great expectations which have been formed. It is probably my observations upon Mr. A's book must have appeared to you to be hasty and undigested. I wish to know what you think of it. Congress, I find, by a late ordinance establishing temporary governments in the new States, have adopted the Adamic idea. Would not the other States be wise to wait for the issue of the experiment which will there be made. We shall then have two important experiments going on at the same time. The results of which may be the best guide. . . .

J. MADISON.

J. McCLURG TO JAMES MADISON.

RICHMOND, 5 August, 1787.

DEAR SIR, — I am much obliged to you for your communication of the proceedings of the Convention since I left them; for I feel that anxiety about y^e result which its importance must give to every honest citizen. If I thought that my return could contribute in the smallest degree to its improvement nothing should keep me away. But as I know that the talents, knowledge and well-established character of our present delegates have justly inspired this country with ye most entire confidence in their determinations; and that my vote could only *operate*

to produce a division, and so destroy y^e vote of y^e State, I think that my attendance now would certainly be useless, perhaps injurious.

I am credibly informed that Mr. Henry has openly expressed his disapprobation of the circular letter of Congress respecting ye payment of British debts; and that he has declared his opinion that ye interests of this State cannot safely be trusted with that body. The doctrine of three confederacies, or great Republics, has its advocates here. I have heard Harvie support it, along with y^e extinction of State Legislatures within each great department. The necessity of some independent power to controul the Assembly by a negative, seems now to be admitted by y^e most zealous republicans—they only differ about y^e mode of constituting such a power. B. Randolph seems to think that a magistrate annually elected by the people might exercise such a controul as independently as ye King of G. B. I hope that our representative Marshall will be a powerful aid to Mason in the next Assembly. He has observed the continual depravation of men's manners, under ye corrupting influence of our legislature; and is convinced that nothing but ye adoption of some efficient plan from ye Convention can prevent anarchy first, and civil convulsions afterwards. Mr. H——y has certainly converted a majority of Prince Edward, formerly the most averse to paper money, to ye patronage of it. The opposers of this scheme are generally favorers of installments, together with a total prohibition of foreign luxuries; that people having no temptation to spend their money may devote it to justice. The importance of ye next Assembly, with respect to so many objects of great public interest, makes one wish most sincerely that Congress was deprived of you, at least for this session.

Mr. Jones has left town, on a pilgrimage to the Temple of health, somewhere about ye Mountains. He had been very sick, but seemed well enough recovered before he left us. . . .

JAMES MCCLURG.

EDWARD CARRINGTON TO JAMES MADISON.

NEW YORK, 11 August, 1787.

. . . The departure of North Carolina and Georgia left only 7 States, and the day before yesterday we lost another in the decampment of Doctor Holton, whose declining state of health obliged him to retrograde. The Doctor is tolerably free from localities, and I am sorry to lose him: but on account of the breaking up of Congress, we have but little to regret, unless there had been an early prospect of raising the number of States above 7, for with that number, I think, there will never be a good act passed. All the Indian affairs still remain to be acted upon, and many other things of great consequence. The President has been requested to write to the States unrepresented,

pressing upon them the objects which require the attendance of their delegations, and urging them to come forward. Amongst those objects is that of the report of the Convention, which it is supposed, is now in the state of parturition. This bandling must receive the blessing of Congress this session, or I fear it will expire before the new one *will* assemble; every experiment has its critical stages which must be taken as they occur, or the whole will fail. The people's expectations are rising with the progress of this work, but will desert it, should it remain long with Congress. Permit me to suggest one idea as to the mode of obtaining the accession of the States to the new plan of government. Let the Convention appoint *one* day, say the 1st of May, upon which a convention appointed by the people shall be held in each State, for the purpose of accepting or rejecting in toto the project. Supposing an act of the ordinary legislatures to be equally authentic, which would not be true, yet many reasons present themselves in favor of special conventions. Many men would be admitted who are excluded from the Legislatures, the business would be taken up unclogged with any other; and it would effectually call the attention of all the people to the object as seriously affecting them. All the States being in Convention at the same time, opportunities of speculating upon the views of each other would be cut off. The project should be decided upon without an attempt to alter it. You have doubtless found it difficult to reconcile the different opinions in your body. Will it not be impossible then to reconcile those which will arise amongst numerous assemblies in the different States? It is possible there never may be a general consent to the project as it goes out; but it is absolutely certain there will never be an agreement in amendments. It is the lot of but few to be able to discern the remote principles upon which their happiness and prosperity essentially depend. The many must be asked to consent to, but not¹

J. McCLURG TO JAMES MADISON.

RICHMOND, 22 August, 1787.

. . . I have still some hope that I shall hear from you of ye reinstatement of ye *negative*, as it is certainly ye only means by which the several legislatures can be restrained from disturbing ye order and harmony of ye whole, and ye government rendered properly *national* and *one*. I should suppose that some of its former opponents must by this time have seen ye necessity of advocating it, if they wish to support their own principles.

We have been informed from Green-bryar that a number of men in that county, to the amount, it is said, of 300, have signed an Association

¹ Rest of letter missing.

to oppose ye payment of ye certificate tax, and in general of all debts ; and it is apprehended there, that they will attempt forcibly to stop ye proceedings of ye next court. The Ringleader of this riot, I apprehend from ye length and sound of his Christian name, Adonijah Matthews must have come from New England.¹

A newspaper writer from Prince Edward, has promised to investigate and expose ye dangerous tendency, as well as unsoundness of John Adam's doctrines — supposed by some to be Mr. H——y. This book is squibbed at in almost every paper ; but I have not heard that anybody speaks of it with more acrimony than your namesake at Williamsburg.

We have got the burner of one prison a Mr. Posey of N. Kent, deposited in ye goal of this city.

JAMES MCCLURG.

WILLIAM GRAYSON TO JAMES MADISON.

NEW YORK, 31 August, 1787.

. . . Judge Symmes of Jersey yesterday made an application for all that tract of country lying between the Great and Little Miami, the east and west line, and the Ohio, supposed about two millions of acres on the same terms with the Eastern Ohio Company. His application has met with the entire approbation of the members present : and there is no doubt but as soon as there is a congress, that this contract will be closed.

A Committee is appointed to draught an ordinance for indiscriminate locations, but a difficulty has occurred which I fear will destroy the whole affair: the Committee don't know what the deficiency is on the Cumberland River, and have figured to their timorous and suspicious imaginations, that the Virginia officers and soldiers mean to take eight or ten million of acres between the Scioto and Miami. The Committee also contend that the State of Virginia should make proof of the *deficiency of good lands* on the Cumberland ; should ascertain the quantity they want and have a right to, on the northern side of the Ohio ; and should then take that quantity in *one Body*. I wish you would speak to our governor on the subject. Perhaps it may be in his power shortly to obtain information of the quantity claimed by the officers and soldiers on the other side of the Ohio. If this fact was known, other difficulties might perhaps be got over, as I apprehend it is not very considerable. . . .

W. GRAYSON.

P. S. The Mississippi is in a state of absolute dormification.

¹ "Adonijah Matthews, of whose turbulent attempts I informed you, is said to be peaceably lodged in ye jail of Green-bryar." McClurg to Madison, 5 September, 1787.

JAMES McCLURG TO JAMES MADISON.

RICHMOND, 10 September, 1787.

. . . The report of a tendency to insurrection in several quarters of the State is not without some foundation; tho' the friends of order have hitherto maintained ye superiority so as to prevent any very outrageous doings. An expectation of a remedy for their discontents, well or ill-founded, from ye next assembly, assists in keeping them quiet.

There is said to be a disposition generally prevalent thro' this State to comply with ye plan of ye Convention without much scrutiny. Hervey, who has been in Albemarle lately, says that Nicholas is determined to support it, however contrary it may be to his own opinions. I am persuaded that those who sacrifice solid and permanent advantages in this plan, to their idea of the transitory disposition of the people, will condemn themselves hereafter. . . .

JAMES McCLURG.

JOSEPH JONES TO JAMES MADISON.

[13 September, 1787.]¹

DEAR SIR, — Although I wanted materials for a letter, I should have dropped you a few lines had I not been absent for some time from Fredericksburg, and had I not been informed the convention would certainly rise the first week of this month.

The continuance of your session and some stories I have heard since my return and on my visit to Alexandria, make me apprehensive there is not that unanimity in your councils I hoped for and had been taught to believe. From whence it originated I know not, but it is *whispered* here, there is great disagreement among the gentlemen of our delegation, that the general and yourself on a very important question were together, Mr. M——n alone and singular in his opinion and the other two gentlemen holding different sentiments. I asked what was the question in dispute, and was answered that it respected either the defect in constituting the Convention as not proceeding immediately from the people, or the referring the proceedings of the body to the people for ultimate decision and confirmation.² My informant also assured me the fact might be relied on as it came, as he expressed it, from the fountain head. I took the liberty to express my disbelief of the fact and that from the circumstances related it was very

¹ Madison's indorsement.

² Mason's position is shown in Madison's letter to Jefferson of 24 October, 1787. Of the Virginia delegation Wythe and McClurg had left the Convention before the Constitution was completed, and Randolph and Mason refused to sign.

improbable and unworthy attention. I mention this matter for want of something else to write to you, and more especially as it respects our delegation in particular.

I shall towards the last of the month, if not sooner, visit the lower part of Potomack and Rappahannock — a route the reverse of what I some time ago intended; but I am desired by the Executive to visit the naval offices and searchers in that quarter. I hope this business will in future be placed under the direction of another power, I mean the regulation of our trade.

JOS. JONES.

EDWARD CARRINGTON TO JAMES MADISON.

NEW YORK, 23 September, 1787.

MY DEAR SIR, — The gentlemen who have arrived from the Convention inform us that you are on the way to join us. Least, however, you may, under a supposition that the state of the delegation is such as to admit of your absence, indulge yourself in leisurely movements, after the fatiguing time you have had, I take this precaution to apprise you that the same schism which unfortunately happened in our State in Philadelphia, threatens us here also. One of our colleagues, Mr. R. H. Lee, is forming propositions for essential alterations in the Constitution, which will, in effect, be to oppose it. Another, Mr. Grayson, dislikes it, and is, at best, for giving it only a silent passage to the States. Mr. H. Lee joins me in opinion that it ought to be warmly recommended to ensure its adoption. A lukewarmness in Congress will be made a ground of opposition by the unfriendly in the States. Those who have hitherto wished to bring the conduct of Congress into contempt, will in this case be ready to declare it truly respectable.

Next Wednesday is fixed for taking under consideration this business, and I ardently wish you could be with us.

The New York faction is rather active in spreading the seeds of opposition. This however has been expected, and will not make an impression so injurious as the same circumstance would in other States. Col. Hamilton has boldly taken his ground in the public papers, and having truth and propriety on his side, it is to be hoped he will stem the torrent of folly and iniquity.

I do not implicitly accede in sentiment to every article of the scheme proposed by the Convention, but I see not how my utmost wishes are to be gratified until I can withdraw from society. So long as I find it necessary to combine my strength and interests with others, I must be satisfied to make some sacrifices to the general accommodation. I am, &c.

ED. CARRINGTON.

J. DAWSON TO JAMES MADISON.

FREDERICKSBURG, 25 September, 1787.

. . . The proceedings of the Convention have been forwarded by Mr. Randolph, to Mess. Mercer and Monroe; and are at this moment the subject of general conversation in every part of the town, and will soon be in every quarter of the State. Opinions have already been delivered, and that work, which was the production of much labor and time, has been in a few hours either damned or applauded, according to the wish, sentiments or interest of the politician. Altho' there are many warm friends to the plan, be assured that the opposition will be powerful. Our old friend, the Col. from Frederick, will, I think, be much alarmed, and will not fail to paint his fears in strong colors. I also think the powerful member from P. E. will be unfriendly. A report is circulated that some few days since the people of that county (P. E.) were assembled, and harangued by Mr. H. in favor of a paper currency. That a Mr. Smith of the Academy, opposed the scheme, that on a decision a large majority coincided with Mr. Smith. That Mr. Smith then recommended to them the adoption of whatever should be done in convention; to which they agreed. That Mr. H. informed them, that they should no longer consider him as their representative.

The improbability of this report is sufficient to destroy its authenticity, although it comes well supported, and I think we may receive it in part. . . .

J. DAWSON.

BENJAMIN HARRISON TO GEORGE WASHINGTON.

BERKELEY, 4 October, 1787.

MY DEAR SIR, — Your favor of the 28th ult.^o got to me two days ago: I am particularly oblig'd to you for this additional mark of your friendship, and attention, than which, there are very few things indeed, that can be more acceptable: I feel my self deeply interested in every thing that you have had a hand in, or that comes from you, and am so well assured of the solidity of your judgment, and the rectitude of your intentions, that I shall never stick at trifles to conform myself to your opinions; in the present instance, I am so totally uninform'd as to the general situation of America, that I can form no judgment of the necessity the convention was under to give us such a constitution as it has done; If our condition is not very desperate, I have my fears that the remedy will prove worse than the disease. Age makes men often over cautious; I am willing to attribute my fears to that cause, but from whatever source they spring, I can not divest myself of an opinion, that the seeds of civil discord are plentifully sown, in very many of the

powers given both to the president and congress, and that if the constitution is carried into effect, the states south of Potowmac, will be little more than appendages to those to the northward of it. You will say that general charges are things without force, they are so, but in the present instance, I do not withhold particular observations, because I want them, but that I would not tire your patience, by entering deeply into a subject, before I had heard the reasons which operated with them, in favor of their measures, I will then more at large give you my sentiments, in the interim, I shall only say, that my objections chiefly lay ag^t the unlimited powers of taxation, and the regulations of trade, and the jurisdictions that are to be established in every State, altogether independent of their laws. The sword, and such powers will; nay in the nature of things they must sooner or later, establish a tyranny, not inferiour to the triumvirate, or centum viri of Rome. But enough of this, till another opportunity, in the meantime I have only to add, that I am with the most unfeigned attachment, and perfect esteem, &c.

BENJ. HARRISON.

GEORGE MASON TO GEORGE WASHINGTON.

GUNSTON HALL, 7 October, 1787.

. . . I take the Liberty to enclose you my Objections to the new Constitution of Government; which a little Moderation and Temper, in the latter End of the Convention, might have removed. I am however most decidedly of Opinion, that it ought to be submitted to a Convention chosen by the People, for that special Purpose; and shou'd any attempt be made to prevent the calling such a Convention here, such a Measure shall have every opposition in my Power to give it.

You will readily observe, that my Objections are not numerous (the greater Part of the enclosed Paper containing reasonings upon the probable effects of the exceptionable Parts) tho' in my mind, some of them are capital ones. . . .

G. MASON.

PATRICK HENRY TO GEORGE WASHINGTON.

RICHMOND, 19 October, 1787.

DEAR SIR,—I was honor'd by the Rec^d of your Favor together with a Copy of the proposed fœderal Constitution, a few Days ago, for which I beg you to accept my thanks. They are also due to you from me as a Citizen, on account of the great Fatigue necessarily attending the arduous Business of the late Convention.

I have to lament that I cannot bring my mind to accord with the proposed Constitution. The Concern I feel on this account, is really

greater than I am able to express. Perhaps mature Reflection may furnish me Reasons to change my present Sentiments into a conformity with the opinions of those personages for whom I have the highest Reverence. Be that as it may, I beg you will be perswaded of the unalterable Regard & attachment with which I ever shall be, Dear Sir, your obliged and very humble servant,

P. HENRY.

J. DAWSON TO JAMES MADISON.

RICHMOND, 19 October, 1787.

DEAR SIR,— Your favor of the 2nd instant I received in due time. Before this I presume you have heard that one hundred and five members attended at the state house on the first day. Whether this is to be attributed to the *ten* pounds, or to a proper sense of duty, I leave with you to determine — perhaps to both. On motion of Col. Matthews, seconded by Mr. B. Harrison, Mr. Prentiss was called to the chair without any opposition. On the Wednesday, the Senate elected Mr. Jones their speaker. A number of papers have been laid before the house by the executive, among them are the proceedings of the Convention, as forwarded by Congress.

On Thursday next we are to go into a committee of the whole house on this business. Altho' the constitution offered has some able opponents, yet there is a decided majority in favor of it. There will be no opposition, I think, to a state convention, for it appears to be the general opinion that the legislature ought to send the constitution to the people without any mark either of censure or approbation. I enclose you a paper in which you will find a piece said, with truth I believe, to be written by Col. Mason. He is not yet arrived, but is hourly expected.

The system of politicks this year will I apprehend be too much like that of the last. Mr. Nicholas has already declared in favor of scaling the provision certificates by permitting the people to pay their certificate tax by a fourth of the sum in specie. On Tuesday the appointment of Delegates to Congress will take place. I suspect Mr. Harrison, Col. Bland and Mr. Corbin will be brought forward.

The freeholders of Fairfax have, in the most pointed terms, directed Col. Mason to vote for a convention, and have as pointedly assured him he shall not be in it. With much respect, &c.

J. DAWSON.

ARCHIBALD STUART TO JAMES MADISON.

RICHMOND, 21 October, 1787.

DEAR SIR, — Contrary to custom we had a house of Delegates on the 15th inst: and proceeded to read the governor's letter with its enclosures. We have resolved to discontinue the additional tax of 6/ pr. hhd. on tobacco exported; to amend the militia law by furnishing the militia with public arms, and by annexing to each battalion of infantry a small troop of horse, to be raised by voluntary enlistment and accoutred at their own expense.

The language from every quarter of ye House is ye necessity of alleviating the publick burthens, and at the same time supporting the publick credit and ye certificate tax, our only sinking fund, I fear, will cease, and those in the hands of the holders be added to ye mass of our funded debt.

Next Thursday is set apart for adopting the necessary measures for calling a Convention on ye subject of ye federal Constitution. From the disposition of some of ye members I fear it will be difficult to execute that business without entering into ye merits of ye Constitution itself.

Mr. Henry has upon all occasions, however foreign in subject, attempted to give the Constitution a side blow. Its friends are equally warm in its support and never fail to pursue him through all his windings. From what I can learn the body of the people approve ye proposed plan of government. It has, however, no contemptible opposition. Our two dissenting members in ye Gen'l convention, P. H^r, ye family of Cabells, St. Geor' Tucker, J. Taylor, W. Nelson, Gen'l Nelson, W. Ronald, I fear, ye Judges I am told except P. Carrington, and others too tedious and at the same time, too insignificant to mention.

The doctrine of installments is once more to be the subject of debate, and a clog to ye district bill an incumbrance which I fear will again damn that important measure.

We have had notice that a commutation of tobacco for specie in payment of taxes will be proposed, ye result of which you shall shortly know.

Would it be proper that the ensuing convention should also reform our State constitution. Ye objections to these innovations are that in ye mean time the minds of men are agitated, and government unhinged, and as we are about to encounter this and every other objection, would not the present be ye most favorable crisis for this important business. I am, Sir, &c.

ARCH^d STUART.

EDWARD CARRINGTON TO THOMAS JEFFERSON.

NEW YORK, 28 October, 1787.

DEAR SIR, — I have been honoured with your favor of the 4th of August. Inclosed you will receive a copy of the report of our late federal Convention, which presents, not amendments to the old confederation, but an entire new constitution. This work is short of the ideas I had the honor to communicate to you in June, in no other instance than an absolute negative upon the State laws.

When the report was before Congress it was not without its direct opponents, but a great majority were for giving it a warm approbation. It was thought best, however, by its friends, barely to recommend to the several legislatures the holding of conventions for its consideration, rather than send it forth with even a single negative to an approbatory act. The people do not scrutinize terms. The unanimity of Congress in recommending a measure to their consideration, naturally implies approbation, but any negative to a direct approbation, would have discovered a dissension, which would have been used to favor divisions in the States. It certainly behoved Congress to give a measure of such importance, and respectable birth, a chance in the deliberations of the people, and I think the step taken in that body well adapted to this idea.

The project is warmly received in the Eastern States, and has become pretty generally a subject of consideration in Town meetings, and other Assemblies of the people; the usual result whereof, are declarations for its adoption. In the Middle States appearances are generally for it, but not being in habits of assembling for public objects, as is the case to the Eastward, the people have given but few instances of collective declarations. Some symptoms of opposition have appeared in New York and Pennsylvania. In the former only in individual publications, which are attended with no circumstances evidencing the popular regard; the Governor holds himself in perfect silence, wishing, it is suspected, for a miscarriage, but is not confident enough to commit himself in an open opposition. In the latter the opposition has assumed a form somewhat more serious, but under circumstances which leave it doubtful whether it is founded in objections to the project, or the intemperance of its more zealous friends. The Legislature was in session in Philadelphia when the Convention adjourned. 42 members were for immediately calling a Convention, before the measure had received the consideration of Congress, and were about to press a vote for that purpose. 19 seceded and broke up the House, and although they afterwards added to their protest against the intemperance of the majority, some objections against the report, yet it is to be doubted whether they would have set themselves in opposition to it had more

moderation been used. The next morning the resolution of Congress arrived, upon which the 42, wanting 2 to compleat a House for business, sent their sergeant for so many of the seceders, who were brought by force. Whereupon an act was passed for calling a convention in November. The seceders are from the upper countries; have carried their discontents home with them, and some of them being men of influence will occasion an inconvenience. But gentlemen well acquainted with the country are of opinion that their opposition will have no extensive effect, as there is, in general, a coalescence of the two parties, which have divided that state ever since the birth of her own constitution, in support of the new government. From the Southern States we are but imperfectly informed. Every member from the Carolinas and Georgia, as well in convention, as Congress, are warm for the new constitution; and when we consider the ascendancy possessed by men of this description over the people in those States, it may well be concluded that the reception will be favorable. In Virginia there may be some difficulty. Two of her members in Convention, whose characters entitle them to the public confidence, refused to sign the report. These were Colo. Mason and Governor Randolph; nor was that State without its dissentients, of the same description in Congress. These were Mr. R. H. Lee and Mr. Grayson, but upon very opposite principles; the former, because it is too strong; the latter, because it is too weak, [and Colo. H. Lee is by no means an advocate.¹] The Governor has declared that his refusal to sign shall not be followed by hostility against the measure; that his wish is to get the exceptionable parts altered if practicable; but if not, that he will join in its support from the necessity of the case.

Mr. Madison writes you fully upon the objections from Virginia, and therefore I will not impose on your patience by repeating them; one, however, being merely local, and an old source of jealousy, I will present to your consideration my opinion upon. This is the ability of a bare majority in the federal government to regulate commerce. It is supposed a majority of the union are carriers, and that it will be for the interest and in the power of that majority to form regulations oppressing, by high freights, the agricultural States. It does not appear to me, that this objection is well founded. In the first place it is not true that the majority are carriers, for Jersey and Connecticut who fall into the division, are by [no] means such. And New York and Pennsylvania, who also are within that division, are as much agricultural as carrying States: but, admitting the first position to be true, I do not see that the supposed consequences would follow. No regulation could be made on other than general and uniform principles. In that case every created evil would effect its own cure. The southern States possess

¹ Struck out in the original.

more materials for shipping than the Eastern, and if they do not follow the carrying business it is because they are occupied in more lucrative pursuits. A rise of freights would make that an object, and they would readily turn to it; but the competition amongst the Eastern States themselves would be sufficient to correct every abuse. A navigation act ought doubtless to be passed for giving exclusive benefits to American ships. This would, of course, serve the Eastern States, and such in justice ought to be the case, as it may perhaps be that no other advantage can result to them from the Revolution. Indeed it is important to the interests of the Southern States that the growth of a navy be promoted, for the security of that wealth which is to be derived from their agriculture.

My determination to join in the adoption results from compound consideration of the measure itself, the probable issue of another attempt, and the critical state of our affairs. It has in my mind great faults; but the formers of it met under powers and dispositions which promised greater accommodation in their deliberations than can be expected to attend any future convention. The particular interests of States are exposed and future disputations would be clogged with distractions and biased by the presentiments of their constituents. Hence it is fairly to be concluded that this is a better scheme than can be looked for from another experiment. On these considerations I would clearly be for closing with it, and relying upon the correction of its faults, as experience may dictate the necessary alterations; but when I extend my view to that approaching anarchy which nothing but the timely interposition of a new government can avert, I am doubly urged in my wishes for the adoption.

Some gentlemen apprehend that this project is the foundation of a monarchy, or at least an oppressive aristocracy; but my apprehensions are rather from the inroads of the democracy. It is true there is a preposterous combination of powers in the President and Senate, which may be used improperly; but time is to discover whether the tendency of abuse will be to strengthen or relax. At all events this part of the Constitution must be exceptionable; but when we consider the degree of democracy of which the scheme itself partakes, with the addition of that which will be constantly operating upon it, it clearly appears to my mind, that the prevailing infractions are to be expected from thence. As state acts can go into effect without the direct control of the general government, having clearly defined the objects of their legislation, will not secure the federal ground against their encroachments, a disposition to encroach must in the nature of the thing exist, and the democratic branch in the federal legislature, will be more likely to cover their approaches, than resist them.

The Western Territory belonging to the United States has more

effectually received the attention of Congress during this session than it ever did before. Inclosed you will receive the ordinance for establishing a temporary government there, and providing for its more easy passage into permanent state governments. Under the old arrangements the country might upon the whole have become very populous, and yet be inadmissible to the rights of state government, which would have been disgusting to them and ultimately inconvenient for the Empire. The new arrangement depends on the accession of Virginia, which there can be no doubt of obtaining. The offices of the T. government are filled up as follows: Genl. St. Clair, Gov^r, Winthrop Sargent, Secretary, Gen^l Parsons, Gen^l Armstrong, Jr, and Gen^l. Varnum, Judges.

Seven ranges of townships are surveyed; they extend nearly to Muskingum and contain about 12 or 15 million of acres. About 130,000 acres have been sold according to the Ordinance. The surveys will probably go no further in strict pursuance of the ordinance, but still the system will be preserved in the conditions of contracts for large tracts of the country, to companies of adventurers. The first instance of this mode presents itself in an authority to the Treasury Board in August last, to contract with a large company of New Englanders for all the country from the seventh range to Scioto, within a due west line to be continued from the northern boundary of the tenth Township. The whole of this tract is supposed to contain about 5 millions of acres. The terms are that the U. S. shall survey and demark the external boundaries, and ascertain the contents of the tract. The Company to lay it out at their own expence, into townships and sections agreeably to the ordinance, subject to the reserves therein described, except that one of the sections for future sale, shall be granted for the purposes of religion, and there are also two complete townships granted for an University in or near the middle of the tract. All other lands, good, bad and indifferent, to be paid for at $2/3^{\text{ds}}$ of a dollar per acre, half in securities, excluding the interest, half a million of dollars to be paid down upon closing the contract, and possession taken so far as such payment will cover. Afterwards payment and occupancy are to go on *pari passu* at certain periods, under certain stipulations of reciprocal insurance. This contract is now actually closed. Another offer is made by Judge Symes and his associates from Jersey, for about 2 millions between the Miami's, upon the same terms, and sundry other propositions are forming. Whereupon Congress have authorized the Treasury Board to sell by contract any quantity not less than a million, making the terms of the Eastern company the ground, with deviations from the grant for an University, and those for religion, unless the tract be equally large. This mode of sale will relieve the U. S. of much expence, and the progress of

sales promises to be sufficiently rapid to give our people early relief from the pressure of the domestic debt.

I am inclined to believe that some successful experiment might be made for the sale [of] a part of this territory in Europe, and have suggested a trial with a few ranges of the surveyed Townships. It did not strike Congress as eligible and of course no step was taken in it. I do not suppose it would be worth while to try the project on any but lands actually surveyed and well described.

We have received no accounts from Europe since your August despatches; of course the state of things there are in considerable obscurity as to us.

Your remarks upon the French loan have occasioned some discussion in Congress, but many reasons operate to prevent an assent to your proposition. By some it is supposed it would be found inconvenient to shift from creditors that will not complain of our delinquency, to those that will; by others that we have reason to rely upon the indulgence of France in the case of a debt which was contracted for the common benefit of the two nations. My own opinion is that the transfer ought to be made, if practicable.

ED. CARRINGTON.

DANIEL CARROLL TO JAMES MADISON.

NEAR GEORGETOWN, 28 October, 1787.

. . . If the information I have received relating to this State can be depended on, everything I hope will be right. Mr. Carroll, who waited for me, soon after saw Mr. Johnson, and sends me word that he is a warm friend. That Gentleman, Mess. Lee and Potts, were chosen the following week representatives, with a view principally of preventing mischief and forwarding this great object. Mr. Chase has, I hear, published a piece under the signature of *Caution*, which indicates an adverse disposition. He has bound himself to propose a convention; and if chosen of that body will be bound to ratify the proposed federal government; the impression in Baltimore being strong and general in favor of it.

The General informed me that Mr. Houston had called on him in his way to Georgia, and told him that Mr. Yates (of the Convention) had declared himself a warm friend. Is this so?

Col. Mason had not set off for the assembly when I heard last. I overtook him and the Major on the road. By the time they had reached within 9 miles of Baltimore, they had exhausted all the stories of their youth &c., and had entered into a discussion of the rights to the Western World. You know they are champions on opposite sides

of this question. The Major having pushed the Col. hard on the charters of Virginia, the latter had just waxed warm, when his charioteer put an end to the dispute by jumbling their honors together by an overset. I came up soon after. They were both hurt. The Col. most so. He lost blood at Baltimore, and is well. . . .

DAN'L CARROLL.

CHRISTOPHER GADSDEN TO THOMAS JEFFERSON.

CHARLESTON, 29th October, 1787.

DEAR SIR, — My friend Mr. Izard favored me with a sight of yours to him of the 18th Nov^r and first of Aug^t last, together with M^r de Calonne's and les S^{rs} Jean Jaques Berard & Co.'s letters to you, the first dated 22^d October 1786, encouraging from authority the opening and fixing a general trade with the United States, the other proposing a plan of mutual commerce between this place and France, particularly respecting rice, which I have read with great pleasure and attention, wishing it to be carried into execution. From this opening, and the honor I had to labor with you formerly in the political vineyard, I take the freedom to congratulate you on the noble constitution agreed upon by our late convention, and farther, on its seeming to give general satisfaction, from whence 't is hardly doubted it will be adopted; if so, and it is firmly and efficiently carried into execution, a new and important epocha must arise in our affairs. The apprehensions strangers were under for some time past discouraging them from dealing with us so largely as many wished, will then diminish greatly, and in a short time cease altogether, as our trade would soon be on a safe, proper and respectable footing, unsubjected in future to frauds from paper tenders, and other too common, unjustifiable practices from unprincipled D^{rs} very prejudicial to their C^{rs}. Besides this advantage a diminution of that pernicious partiality to the British trade will in my opinion follow of course. The number of foreigners that will from other than interested mercantile views frequent us, will soon tend to open the eyes of our countrymen thoroughly to their own interest, and to see with astonishment to what a paltry customer we have been so long and losingly attached, and that maugre all their sophistry, that the trade of France and Germany are of ten times the consequence to this State than theirs, and therefore ought by prudent traders to have ten times more attention. All the States may be said to be shopkeepers, and what folly for any to give the preference to that nation that is of the least importance to them, that consumes the smallest quantity of their produce, which with regard to our chief staple, rice, is the case of Great Britain, who though they have made peace, are manifestly far from

being cordial friends with us. If France at this crisis, continued her encouragements, fix and support proper shifting ports similar to that of Cowes, attentively despatching our rice ships, she will in no long time, from the advantage of her being so almost infinitely a greater consumer of that article than G^t B^a, thin the business to that Harbor, and in a few years dwindle it to nothing. But attention and patience in commencement are everything.

From what I have learned, the French merchants we have had here, have been as impolitic in their method of introducing a trade with us, as most of our people in trying the like with the new markets opened to us since the peace. We, besides the infatuation of giving the British the preference of our direct consignments to their island, have as stupidly, or more so, even in our few essays to other markets, suffered them to be conducted under their auspices. 'Tis natural and commendable for all powers to give a preference to their own subjects, but on new trials, of trade especially, query whether the end would not be sooner, more effectually, and generally come at and fixed, by employing men of the place, of established character and experience, unsuspected of any improper bias to the British interest, well acquainted with the nature and quality of the articles most suitable and wanted, for a few years than for a new adventurer speaking a different language, to conduct himself through the medium of such an interpreting clerk as he can pick up; but this has been the method generally used here by the French merchants, and 'tis thought the cause of many of the losses and disgusts they have experienced. Few people, ours particularly, like to close their bargains but with the principals. This city does not want for many houses of this character mentioned, among others Messrs Brailsford & Morris are well established here, both natives of the United States, the first of this city, the other of Philadelphia. Mr. Morris I am nearly connected with as having married my daughter, and should be happy to be the means of recommending that House to any unengaged Friends.

I make no doubt the philosophic part of Europe will admire the constitution recommended by our convention, the trading part of G^t B^a, perhaps many of them, may be jealous of it considered in a commercial view in its probable consequences to them by increasing the means of opening the eyes of America and exposing many rooted prejudices to them particularly. I have little doubt¹ that part of the Island who so generally and pointedly hung upon our skirts during the

¹ Those subtil, dextrous, long trained, systematical opponents well knowing the constitution recommended must be approved of in toto, or not at all, therefore would seem to approve of it as highly as any the most zealous for it, only with an *all but* which *but* altered, would gain they would pretend universal satisfaction, that it may be deferred for that mighty reasonable *But*, to another convention, hoping that will never happen, and so the bubble burst of course.

whole war will not be less busy on this occasion. For my part I bless God to have lived to see this important point in so fair a way to be accomplished, and if I live to see it completely so, I shall be apt to cry out with old Simeon, "Now may thy servant depart in peace, for mine eyes have seen thy salvation." . . .

CHRIS : GADSDEN.

JOSEPH JONES TO JAMES MADISON.

RICHMOND, 29 October, 1787.

DEAR SIR, — On my arrival in Richmond the other day I found your favor of the 7th from New York, with some newspapers inclosed. Mr. Thomas Pleasants who called on me the next day inquired whether I had lately heard from you, which being acknowledged brought forward a conversation on the new constitution, and finding him a strenuous advocate for it I asked if he had seen or read some pieces in favor of it under the signature of an American citizen. He said he had not. I then informed him I had received some papers from you, which contained three numbers on the subject and did not doubt he would be pleased with the perusal of them; whereupon he signified his desire to possess them. When I delivered them to him I told him it would not I thought be amiss they were put into the printer's hands, that he might, if he thought proper, insert them in the newspaper here. He said he would think of it, and I have not seen him since. I shall speak to him on the subject as soon as I meet with him, but have no doubt he will endeavour to have them printed.

I must confess I see many objections to the constitution submitted to the conventions of the States. That which has the greatest weight with me lies against the constitution of the Senate, which being both legislative and executive, and in some respects judiciary, is I think radically bad. The President and the Senate too may in some instances legislate for the Union, without the concurrence of the popular branch, as they may make treaties and alliances which when made are to be paramount [with] the law of the land. The State spirit will also be preserved in the Senate, as they are to have equal numbers and equal votes. It is to be feared this body united with the President, as on most occasions it is to be presumed they will act in concert, will be an overmatch for the popular branch. Had the Senate been merely legislative even proportioned as they are to the States, it would have been less exceptionable; and the President with a member from each State as a privy council to have composed the Executive. There is also a strong objection against the appellate jurisdiction over law and fact, independent of a variety of other objections, which are and may be raised against the judiciary arrangements, and the undefined powers of

that Department. I own I should have been pleased to see a declaration of rights accompany this constitution, as there is so much in the execution of the government to be provided for by the legislature, and that body possessing too great assertion of aristocracy. The legislature may, and will probably make proper and wise regulations in the judiciary, as in the execution of that branch of power the citizens of all the States will generally be equally affected. But the reflection that there exists in the constitution a power that may oppress, makes the mind uneasy, and that oppression may and will result from the appellate power of unsettling facts does to me appear beyond a doubt. To rehearse the doubts and difficulties that arise in my mind when I reflect on this part of the judiciary power would I am sure to you be unnecessary.

It would be more troublesome than useful to recite the variety of objections that some raise; some of more, others of inconsiderable weight. Could I see a change in the constitution of the Senate and the right of unsettling facts removed from the Court of Appeals, I could with much less reluctance yield my assent to the system. I could wish, I own, to see some other alterations take place, but for the accomplishment of them, I would trust to time and the wisdom and moderation of the legislature, rather than impede the putting the new plan in motion, was it in my power, because I well know our desperate situation under the present form of government. It is at this time very difficult to inform you what is the prevalent opinion among the people. If we are to judge of them at large from their representatives here, they must be very much divided and I think the advocates for the new plan rather diminish than increase in number. You will have from the Executive an account of the proceedings of the Houses on the report of the Convention. I think they have taken a wise course in delivering it over to the people without conveying sentiments of approbation or disapprobation. At present nothing of consequence except the referring to the people the new constitution has been done in the Assembly. Tomorrow they are to discuss the recommendation of Congress respecting British debts. I think there will be a majority in the delegates for the repeal of the laws. How it will go down in the Senate, I am unable to calculate. You shall be occasionally informed how we go on.

JOS. JONES.

A. DONALD TO THOMAS JEFFERSON.

RICHMOND, 12 November, 1787.

DEAR SIR, — Many thanks to you for your very friendly and polite letter of the 28th July.

You will no doubt have seen before this time the result of the deliberations of the Convention, which was assembled at Philadelphia last summer for revising and amending the Federal Constitution. I am sorry to say it is like to meet with strong opposition in this State, at this moment, but believe that a great majority of the people approve of it, but I can easily conceive that interested men will do everything in their power, between this and the electing of our State convention, to poison the minds of the people, and get them perswaded to give their votes to such gentlemen as they know are decidedly against the adoption of the new constitution. I will not presume to be competent to give an opinion on such a complex subject, but I can see that there may be some objections made to it, but still it is my sincere opinion that the adoption of it will be the salvation of America; for at present there is hardly the semblance of law or government in any of the States, and for want of a superior power over the whole, a dissolution seems to be impending. I staid two days with General Washington at Mount Vernon about six weeks ago. He is in perfect good health, and looks almost as well as he did twenty years ago. I never saw him so keen for anything in my life as he is for the adoption of the new scheme of government. As the eyes of all America are turned towards this truly great and good man for the first President I took the liberty of sounding him upon it. He appears to be earnestly against going into public life again; pleads in excuse for himself his love of retirement and his advanced age, but notwithstanding of these, I am fully of opinion he may be induced to appear once more on the publick stage of life. I form my opinion from what passed between us in a very long and serious conversation, as well as from what I could gather from Mrs. Washington on same subject.

Our Assembly are now sitting; they have not yet done much business, but what has been done is highly commendable. They have in very strong and pointed language thrown out a proposal for emitting paper money, and they have repealed the Port Bill which was attended with numberless inconveniences to the merchants. At the request of Col: George Mason, I have drawn up a plan for a new bill, which will more effectually secure the revenue than the former, and will remove the many objections that mercantile people had to the last. Till this Assembly an idea seemed to prevail almost universally that the landed and commercial interests were opposed to each other. I have been at great pains to do away this erroneous opinion, and from the laws that have been made for two years past, such unexpected consequences have followed, that the minds of the people are now disposed to hear reasoning upon the subject of trade from those who have been long engaged in it. An instalment bill for paying debts engrosses much time and attention. This is a favorite child of your friend Col: George

Nicholas. I have only one objection to it upon the principles they talk of, and that is the precedent. I am satisfied that take the State altogether, it owes more money than its lands can produce for three years. Therefore the debts cannot be paid in that time. I would be for giving four years which surely would be much better for the creditors than going to law, when I could not obtain a judgment in less than seven, and if the sum is considerable, he must follow his debtor into the Court of Appeals, and from thence into Chancery. And after going through every court, when he has an execution served upon the estate of his debtor, the last reply vies (this is a new trick) and in short every delay and chicanery is made use of, to stave off the payment of first debts; and this country, which is blessed by nature with many advantages, is likely to go to anarchy and ruin, for want of a proper execution of the laws, and of a firm and efficient government. . . .

A. DONALD.

SAMUEL POWEL TO GEORGE WASHINGTON.

18 November, 1787.

It is said that R. H. Lee escaped the resentment of the People at Chester by his short stay there, which he employed in fixing up and distributing printed Papers against the proposed Constitution. At Wilmington he harangued the Populace and cautioned them against hastily adopting it, assuring them that a powerfull opposition was forming against it in Philadelphia, and, in Confirmation of his Assertions distributed many of his inflammatory Papers. On such conduct there can be but one comment made.

JOSEPH JONES TO JAMES MADISON.

RICHMOND, 22 November, 1787.

DEAR SIR, — I have your letter of the 26th of October and have this day obtained from Mr. Thompson the survey of the upper part of James River, and shall to morrow morning have an answer from Mr. Lambert (to whom I was advised as a proper person to copy it) whether he will undertake to do it. If he does, the work will perhaps be well executed. Should he decline doing it, my endeavours shall not be wanting to engage some other person to undertake the execution of it, and forward it to you as early as I am able. There are no wild crab trees that I can hear of near this place, except at Col R. Goode's, who I am told has a few trees standing in one of his inclosures, where probably some sprouts may be got, if not injured by the cattle. I will

send there for the purpose, and if they can be obtained contrive them to you as safely as I can.

The Assembly have not yet passed any act of consequence. British debts, installments and the circuit or district plan of jurisprudence are under consideration. There is great diversity of opinion on these subjects. One party presses forward the removing impediments to the full fulfillment of the treaty; another for removing the legal impediments by one bill and introducing installments by another; a third class think the recommendation of Congress respecting the treaty had better lie unmoved until the Convention shall have decided on the new constitution of government. The introducer of the British debt proposition suspending the law if it shall pass until the other States pass similar laws, is the introducer of the plan of installments for these and all other private debts; and from the manner in which the business is managed will probably lose the whole.

This day a Committee of the whole are upon allowing tobacco to be received as a commutable in taxes. The price at these warehouses and Manchester, &c. 30/; those at the heads of the other rivers 28/, and so on with all the other warehouses, in the same ratio of increase on the prices of last year as fixed by law, and from the spirit of accommodation which seemed to govern to day, from what prevailed a few days past when the subject was first debated, I think the measure will succeed.

The new plan of government is still very much the subject of conversation. I mix little in the crowd and am unable as yet to form any estimate whether it gains or loses ground with the members of the legislature. Whereon I hear the subject agitated I find gentlemen pretty much divided, each party appears to maintain its opinions with apparent zeal. After a while more temper will prevail, and the excellencies or defects of the system be treated with less prejudice and more moderation. I much doubt whether the people in this State, whatever may be the situation of men's minds in other States, are yet ripe for the great change which the new plan will ultimately effect. There would have been less repugnance to it here had the judiciary been less exceptionable, and the Executive and legislative had been separate. The true line, could it have been hit, was to have yielded full management of all exterior matters to Congress, leaving interior matters to the States, so far as the power of regulating trade as well between other nations as the States would have admitted of. With a court of appeals properly constituted for administering justice ultimately to all alike, and with some means of coercion, not violent or military — some such improvements our State, from all I can learn, would have not hesitated in yielding their part to. The great change proposed will I think meet with strong opposition, though it may be adopted. Could the constitution of the Senate be varied and the judiciary be better established

than it now stands on the paper, I could more willingly give the Constitution my assent. As it stands, I shall receive it with reluctance. The 4th number of the American Citizen has been printed here in Davis's paper. The three numbers you sent me were printed and in the same paper.

JOS. JONES.

JOSEPH JONES TO JAMES MADISON.

RICHMOND, 18th December, 1787.

DEAR SIR, — Mr. Lambert has executed Col. Thompson's survey of James River, excepting that part of it that comprehends the canal. For a sketch of this part he depends on Mr. Harris, the manager of the work, who has not yet been pleased to furnish it. I shall if the day is fair ride there to-morrow myself and prevail on Harris to give me a sketch of it that Mr. Lambert may complete the business, which I think he has executed exceeding well. Col. R. Goode has promised me to endeavour to procure as many wild crab-tree scions as you wrote for, but having heard nothing from him since I made the request, Anthony has gone over to try what he can do about them. I fear, if they shall be procured, an opportunity will not offer that can convey them by the time you proposed.

The Legislature have proceeded so slowly in the public business, and have even now concluded so few things of consequence that they are scarce worth mentioning. The Delegates will pass the District bill, and it is probable the Senate will do the same; but of this there is some doubt. This measure would not have succeeded but for its being accompanied with another bill called a bill for amending the execution law, which it is said is calculated to give some relief to debtors, without any direct interference with private contracts. The principal object of this bill is to appoint commissioners to act on oath to determine, instead of the sheriff, whether the property offered for sale under executions goes at three-fourths the value. If they do not, the sale may be postponed on bond and security being given to pay in twelve months, which at the end of the term, shall be carried into a judgment on motion and no further delay obtained if the money is not punctually paid. It is proposed these bills shall go together and commence the first of June next. The revenue bills are to be considered by a committee this day. A short law has passed making some appropriations for a sinking fund, the produce to be applied by the executive to purchasing public securities carrying interest. The revenue bill at present makes further provision for this fund, but how it will terminate depends on the pleasure of the two houses. A new naval office bill is before a committee, but not yet reported. We are told you mean to come in and give us your

assistance in the Convention. I hope you will do so. Publius is variously ascribed to M—d—n, Ha—lt—n, J—y. It is certainly among the first publications on the subject of the new constitution of government. What has been done by the States on the business and when do their conventions assemble?

JOS. JONES.

JOSEPH JONES TO JAMES MADISON.

SPRING HILL, 21 January, 1788.

DEAR SIR,—I beg your pardon for omitting to write to you the last two or three weeks. I have been little in Richmond during that period and of late have been confined by an attack of the rheumatism, which though very painful for two or three days, has now left me. I mean, nothing unforeseen preventing, to visit Richmond next week. Before I came away Col. Goode had sent me a good many slips of the wild crab tree, but not one scion. These I knew would not answer your purpose and threw them away. He informed me there was not a scion to be got. Mr. Selden could not discover any of the trees on his place. The scion I suspect is not easily procured unless from trees that can be found under inclosure. The season being now past for sending them to New York in time for planting could they be procured, you must desire your friend to have patience until next fall, by which time I doubt not to be able to gratify him. I think I have seen several of them near where Col. Carter resides. The tree at Col. Goode's bears the largest apple for a wild crab I ever saw. The servant brought me one of them with the slips as large as a hen's egg and of very agreeable scent.

The map of James River was completed when I left Richmond, except the trace of the canal, which being a material part of it, more on account of the notes of reference than any difficulty in laying it down, I declined receiving it from Mr. Lambert until these were added. Mr. Harris, the manager of the work, although he had promised to furnish me them had not then complied with his promise. Lambert promised me if he did not soon do so, he would ride up to his house near the canal and obtain his sketch and notes. Would you have the map forwarded to New York by some safe hand that offers or retain it here until you come in in March which I hear you intend doing. It will be too large for a letter by post.

The Assembly have passed the District plan in a law, much changed, I am told, from the former plan. Not having seen the law I can speak only from information: there are eighteen districts; four additional judges of the general court; [?] of the general court judges ride the

upper districts, three to a circuit; the chancellors and admiralty judges take the six lower districts; chancery, admiralty and appeal courts as heretofore. District courts take cognizance of no demands under 30 l. Civil process commences 1st January next; the criminal, I am informed, some time in the fall. The judges have 20/ each a day and 5 d. per mile during their journeys, I think in addition to former allowance. So it stood in the bill and is so, I presume, in the law. The lawyers fees 15/ and 30/ — the same as the county courts. The revenue law, which is also the appropriation law, is calculated to lessen all it may the state debt, I mean the internal debt. The certificate tax is taken off, and an additional duty on certain enumerated articles and 3 per cent on other goods, payable in certificates, is the present plan for sinking them.

JOS. JONES.

JOSEPH JONES TO JAMES MADISON.

RICHMOND, 14th February, 1788.

DEAR SIR, — From Fredericksburg I informed you of the issue of my endeavour to procure the crab tree scions. On my return to Richmond I found the chart of James River in the state it was when I left that place. Mr. Lambert says after waiting some time in expectation of hearing from Harris respecting the canal he at length finding he did not call on him rode to his house but was disappointed in meeting with him. The trace of the canal is noted on the map, but some descriptive notes are wanting to make it more complete. These I am in hopes I shall obtain to morrow from Mr. Harris whom I have just seen, and he promises me they shall be left out at his house in the morning should business occasion his absence when I call. Col. Heth being soon to set out for New York I shall, if ready, as I expect it will, confide the conveyance and delivery of it to him.

Your two last favors I have received, — that of the 25th since my arrival here, and am much obliged to you for the communications they contain. S. Adams's silence as to the new plan of government, if not calculated to secure him a seat in the Convention, proceeded very probably from his desire of discovering the temper of the people in general, before he took a decided part. This, with the admission of Gerry to a seat in the Convention when not a member, and the great number that compose the body, are unfavorable circumstances, and authorize a conjecture that the new system will not be adopted by Massachusetts. Should that State give it a negative and not proceed to offer some amendments and propose another convention, I fear it will produce disagreeable consequences, as it will not only confirm New York in her opposition but contribute greatly to strengthen the

opposition in the States that are yet to consider the measure. If nine States assented before Virginia meets in convention, her course I think will be to adopt the plan, protesting or declaring her disapprobation of those parts she does not approve of. Or if not agreed to by nine, she will in that case propose amendments and another general Convention. H—y will, I think, use all his influence to reject at all events, but am satisfied those who are for it as it stands, and those who wish some alterations in it before its adoption, if circumstances authorize the attempt, will be greatly the majority. What change may be produced should Massachusetts reject cannot well be foreseen. I think, however, in that event Virginia will propose amendments and another Convention, and I trust such will be the conduct of Massachusetts, rather than hazard a loss of the system, and the mischievous consequences that may result from disagreement and delay. I congratulate my friend Griffin on his being placed in the chair to whom he pleased to present my best wishes. R—d—h, R. H. L., M—n have been assailed in our papers. The enclosed will, if you have not seen them, exhibit some specimens, and serve to amuse you.

JOS. JONES.

JOSEPH JONES TO JAMES MADISON.

RICHMOND, 17 February, 1788.

DEAR SIR, — Col. Heth came to town and proceeded on his journey sooner than I expected and before I had an opportunity of seeing Mr. Harris. After calling upon him and getting the survey of the canal, I found little information could be collected from it and inserted in the map. I have therefore sent what Mr. Lambert had executed by Col. Henley, who I understand means to go on to-morrow and has promised to deliver it safe to you. Some notes respecting the canal, obtained from Mr. Harris's information, I send enclosed. They may be useful if anything beyond the labour of Mr. Lambert is intended.

We anxiously wait for the decision of the Massachusetts convention. Turn as it may, the deliberations of the States yet to meet will be greatly affected by what shall be determined by that body. Davis's next paper will, I expect, contain another publication under the signature of Cassius against R. H. L. You shall have it if printed. The *plain dealer* is supposed from the manuscript to come from Essex R—ne.¹ Pray do not fail to keep me informed from time to time of the proceedings of the States on that important business of the new government as they shall come to your knowledge.

¹ Probably Judge Spencer Roane. In 1785 he was chosen to the executive council, and Madison then spoke of him as "young Mr. Roane."

P. S. I am well informed Col Pendleton and Col. James Taylor will come from Caroline. H—y is preaching to the people in some of the southern counties.

JOS. JONES.

DAVID STUART TO GEORGE WASHINGTON.

ABINGDON, 17 February, 1788.

. . . I have just returned from a tour round part of the County — I mean about the middle of the week to set out again. I find that Pope and Chichester in particular, have been very active in alarming the people. The latter Gentleman and myself were near meeting at several C. Houses. He had his pockets full of Mason's objections; which he leaves wherever he calls. He is trying to persuade some one opposed to the Constitution to offer for the Convention. Mr. Pollard informed me that he applied to him, but that he declined it. I am happy to find, that he has met with no success except with old Broadwater. Mr. Little informs me that he appears to be changed, and to be disposed to offer himself in opposition to those who approve of the Constitution. I almost think that Mason, doubtful of his election in Stafford will offer for this county, notwithstanding his declarations. I think he might have been satisfied with the publication of his objections, without taking the pains to lodge them at every house. I find it commonly believed in this County, that you consider amendments necessary. It therefore appears to me, that it would be of advantage to the Constitution, to undeceive the people in this respect; by some communication or other. Would not Mr. Blair your fellow labourer in the business, be a proper person through whom to introduce it to the Publick? If you should think proper to take any step of this sort, it would be particularly useful, to take some notice of the difference between the objectors. I find this argument to have the most weight with the common class. I am, &c.

DAVID STUART.

EDWARD CARRINGTON TO THOMAS JEFFERSON.

NEW YORK, 24 April, 1788.

DEAR SIR, — I was but a few days ago honoured with your favor of the 21 December, having been absent on a trip to Virginia ever since the 1st of January. I was alike cut off from it, and an opportunity of writing you. Massachusetts, Jersey, Pennsylvania, Delaware, Connecticut, and Georgia, have adopted the Constitution. New Hampshire has been in convention upon it, but finding that a majority

had assembled under instructions or promises to vote in the negative, of whom a sufficient number were converted to turn the scale, an adjournment has taken place until June, for the purpose of getting such clear of their fetters, and it is not doubted by the friends of the measure that this will be effected, so that a ready adoption will be the consequence of their reassembling. New York, Maryland, Virginia, North Carolina and South Carolina are to deliberate between this and July. In Maryland and South Carolina no doubt is entertained as to the adoption. In New York and Virginia very active opposition is made, and the event is uncertain — in the latter it will depend much upon the ideas entertained in convention as to the issue in N. Hampshire, whose reassembling is to be after the meeting in Virginia. I am certain that a great majority of our Convention will be for adopting upon being ascertained that nine States will adopt, as much worse apprehensions are held from the event of a disunion, than from anything that is in the Constitution. We have a party that is truly anti-federal headed by Mr. Henry, but it will be limited to a few, unless the federalists who are for amendments, should from a mistaken view of the probability of the measures being carried into effect by nine States, be drawn into steps favoring the anti-federal schemes. Mr. H—— does not openly declare for a dismemberment of the Union, but his arguments in support of his opposition to the Constitution go directly to that issue. He says that three confederacies would be practicable and better suited to the good of America, than one. God forbid that I should ever see the trial made. Virginia would fall into a division from which she might add to her burthens, but could never derive aid of any kind.

North Carolina is to sit after Virginia, and it is probable, will follow her. Of Rhode Island we say nothing when speaking of American politics.

Of the States which have adopted, Jersey and Delaware were unanimous. Georgia we hear was also unanimous. In Pennsylvania the majority was about two-thirds, and the minority continues much discontented. In Connecticut the majority was about two-thirds, the minority acquiescing. In Massachusetts the majority was small, the minority acquiescing. The debates of this Convention have been published, a copy whereof you will receive herewith.

It would have afforded me much pleasure to have seen your sentiments fully upon this subject, but Mr. Madison, having gone to Virginia before my return to this city, I have not seen your letter to him as yet. You ask, "would it not have been better to assign to Congress, exclusively, the article of imposts for federal purposes, and to have left direct taxation exclusively to the States." It is probable that the former, aided by the Land Office, might have cleared off the present debts of the Union, and supported the current expenses of

government during peace, but in a case of war, other resources must be brought into practise, and with a view to such an event, some coercive principle must have been established whereby the federal government should act with effect, and had this not been interwoven in its civil administration, a military one must occasionally have been put in practice upon delinquent States. The former will never be exercised but when necessary, and then in a way not odious or inconvenient to the people; the latter must forever be both odious and inconvenient, be the occasion what it may.

I feel seriously for your situation with our numerous and too justly discontented foreign creditors, nor do I see a prospect of relief before the new Government shall get into operation, which must still require some time. The proposition for filling up the loan in Holland, provided the broker be suffered to retain 180,000 guilders, the interest of certain certificates in his possession of our domestic debt, will not be acceded to by Congress; and yet I do not see upon what ground we are to expect that loans will be made upon the common principle. I should myself be for acceding, because it appears that it would preserve our credit until it is probable the new government would commence. This I think so great an object that I would not stand on a precise adherence to systems. We have at present not a competent Congress to act in the case, but from the sentiments of the numbers attending, and those of the Board of Treasury, I am convinced the terms would not be accepted. I hope the views of our creditors are turned upon the revolution which is about to take place with us, and that they may be induced to continue their patience, until time shall produce the issue. I apprehend that amongst the first measures of the new government will be that of negotiating loans for the purpose of satisfying the foreigners to whom the U. S. are indebted, as it will require some time to bring into practise the resources from which money is to be derived.

I am happy that my information in the case of Commodore Jones apprised you of the hazards you might have run, and I am at the same time pleased that you fell on the expedient of acting safely without disappointing him. The business of the prize money which was paid under your direction is fully understood in Congress, and I believe every one else whose attention has been called to it.

I am much obliged to your information upon European politics. It is true we ought not to entangle ourselves in the affairs of others, where we can avoid it, but keeping clear of them depends, in some measure, upon knowing their circumstances and views. I will venture one idea upon European politics. It would seem the Turks should meet with support against Russia from other powers in addition to France. Russia has already a vast territory which is peopling fast; she is also growing

in naval force. Suppose she should get Turkey with those seas which belong to it, would she not be dangerous to the rest of Europe?

ED. CARRINGTON.

I have not a list of the returns for the Virginia Convention, or I would send it to you. It contains many obscure characters whom you would know nothing of. It is unfortunate that in this great business the passions instead of the reason of the people were called into operation. This circumstance renders the issue there the more uncertain, because a great proportion must act from the influence of a few men whose popular talents may be exerted.

EDWARD CARRINGTON TO THOMAS JEFFERSON.

NEW YORK, 14 May, 1788.

MY DEAR SIR, — Mr. Barlow of Connecticut will have the honor to call on you with this letter. I have not the pleasure of a personal acquaintance with him, but his literary talents have considerably distinguished him as a poetical as well as prose writer, and he is introduced to me as a gentleman deserving your countenance. Permit me to recommend him to your attention and civilities. He conducts to the Marquis de la Fayette, the eldest son of our illustrious friend Gen'l Greene, who is sent at the particular request of that nobleman, to receive his education under his direction in France. I have given the little fellow [George Washington Greene] a few lines to you and directed him to deliver them in person. It is unnecessary to solicit for him the attention of one who so well knew his father.

I had the pleasure to write you pretty fully on the 25th ult. by Mr. Paradise, since which no event has taken place except the adoption of the Constitution in Maryland, by a majority of 68 against 11. South Carolina is now sitting and the general countenance of intelligence from thence is much in favor of the measure. There seems to be no doubt entertained of an adoption by a considerable majority. Should this be the case, it will give eight States. Virginia being the next to sit will meet under very critical circumstances, because upon her decision will in my opinion depend, not the fate of the measure, but whether some degree of convulsion shall or shall not attend its maturation. It will have gone too far to be retracted, and even Virginia herself, should she in the first instance reject, must afterwards come in. Indeed, New Hampshire will certainly accede when she re-assembles, and complete the nine for giving action to the project. But a decision in the negative in Virginia would, in one moment, give additional life to the minority in Pennsylvania, whose opposition has taken a stubborn

stand, and the appeal may in that quarter be to the sword. Nor will I venture a conjecture upon the effect such an effort there will have amongst the opposers in Virginia. I hope, however, the possibility of a calamity of this sort, will have its effect on some of the more wise in the opposition, and incline them to adopt rather than run such a hazard. Should Virginia adopt, we shall at once have a government, the issue of a thorough revolution, without the violent means which have uniformly been requisite for the like events elsewhere. I pray God we may exhibit to the world this instance of our superior wisdom and benevolence.

I do myself the pleasure to send you by Mr. Barlow a volume containing a number of periodical papers which have been written in this city, upon the occasion of the constitution. These are written, it is supposed, by Messrs. Madison, Jay and Hamilton. The numbers run to as many more, the remainder are to form a second volume, which will be published in a few weeks. I will do myself the pleasure to send it to you, as soon as it is done.

Mr. Madison in a letter which he wrote me a few days ago, requested me to obtain the first and second volumes of the Philosophical Transactions of the Society in Philadelphia, and forward them to you. Upon inquiry I find that the 1st vol. is not in print, having been destroyed during the war. The second I have got through favor of Mr. Barlow to take with him for you. I am told the 1st is to be reprinted; when it is done, we will take care to forward it to you. During Mr. Madison's absence in Virginia I am aware of your dependence upon me for regular information upon the progress of the business of the constitution, and shall omit no opportunity of writing you.

ED. CARRINGTON.

EDWARD CARRINGTON TO THOMAS JEFFERSON.

NEW YORK, 9 June, 1788.

MY DEAR SIR, — I had the honor to write you by the last packet by Mr. Barlow and Master G. W. Greene, since which South Carolina has acceded to the new Constitution by a great majority. The inclosed papers contain the act, and some of the Debates of the Convention.

Virginia is now sitting, having met last Monday, but we have not yet received any intelligence as to the probable turn the business will take there. I am inclined to think the critical stage in which this Convention meets the affair, will have much influence upon the opinions of many who sat out in the opposition. In adopting they will certainly avoid commotion, and, at worst, accept a constitution upon which eight States have already agreed to hazard their happiness, and which may

be amended, should it be found to operate badly; in rejecting they may produce commotion, with but little prospect of preventing the adoption. The five States who have not yet acceded, would never agree in these objects and could even this be brought about, they must at last rather yield to the 8, than these to the five; and it appears that the submission on either side must be intire, for should the 8 think of a compromise with the 5, there would be difficulty in agreeing what points to yield. These considerations will, I apprehend, effect in the convention of Virginia, and produce an issue different from that which might have taken place under other circumstances. I am happy to find that the five are so separated that there cannot be a possible effort to unite in an attempt to dismember the Union. Had the southern States joined in opinion as to the constitution, I verily believe such a desperate step would have been tried, but it would have ended in their destruction, and perhaps that of all the others.

Mr. Madison and myself have sent you sundry pamphlets and pieces which have been written by the friends of the Constitution; I have endeavored to select from those which have been written on the other side, that which is reputed the best, to send you now, that you may fairly judge of the arguments brought forwards amongst us pro & con. The two books enclosed contain a number of letters under the signature of the Federal Farmer, but the author is not known. These letters are reputed the best of anything that has been written in the opposition.

I hope by the next opportunity to be able to send you the second volume of the Federalist.

ED. CARRINGTON.

JOHN B. CUTTING TO THOMAS JEFFERSON.

LONDON, 26 June, 1788.

. . . The public objects manifestly intended to be accomplished by its operation are important [Southern whale fishery bill]. Among the principal ones which this government mean to effect I select the following: 1. To distance all competition in the fisheries and monopolize the oil trade, and nourish a national nursery for seamen. 2. To defeat, both as to France and America, that mass of growing benefits which might otherwise result from your edict of Dec^r, 1787. 3. To extirpate a (suppositious) projected settlement of American whale fishermen in France. 4. To establish such a settlement on the coast of Scotland (vid. Bufoy's speech). 5. To check the growth, or perhaps suffocate the germ of our rising marine in the west. 6. To diminish the maritime power of France, or hinder its augmentation. To these public may be superadded the private views of Anglo-American merchants, some of whom expect a liberal remittance from Nantucket as

an immediate adjunct of the plan, beside the consequent advantages from the conversion of forty foreign bottoms into domestic ones, and fixing in Britain forever the best of human implements for executing and extending so productive a commerce.

These private purposes stimulated the first application to government for this new bill to depopulate Nantucket, and impoverish our best national resource. Lord Hawksbury (late Mr. Jenkinson) who succeeds to that secret influence with the sovereign which his patron, the Earl of Bute, bequeathed to him on his political demise, encouraged and brought forward the scheme from its earliest suggestion in March, soon after that indiscreet promulgation of the French edict of December. He drew the heads of the act himself. From the board of trade, whereof he is president, it came recommended. It was adopted and was only approved by that junto of the privy council who agree upon the substance of all great acts ere they assume even an embryo shape in the committee. Being hostile to America it met the applause of the monarch. It was hurried through a committee by Mr. Grenville — the sub-conductor of Hawksbury's commercial systems — and from that moment to the last form of its enactment, discussion at large of its merits was evaded, and all disclosure of the chief objects it is intended to effectuate, was studiously stifled and prevented.

If the plan prospers, it is to be extended occasionally, whereby a palsy may be infused into the stoutest sinew of the United States, while Britain gains an accession of strength. By the complete success of the first experiment only she obtains nearly five hundred of the most vigorous, skillful and undaunted seamen ever seen on the face of the ocean. . . .

JOHN BROWN CUTTING.

JOHN B. CUTTING TO THOMAS JEFFERSON.

LONDON, 11 July, 1788.

SIR,—I am to congratulate you upon the adoption of the new national constitution of our country by the State of South Carolina. I cannot ascertain the precise numbers of the Convention, but the main question was carried by a majority of sixty six members, not without warm debate. I have mutilated a couple of newspapers which contain nothing beside the intelligence stamp'd on the columns cut out. From the specimen of eloquence and argument expressed on one of them, a fair estimate may be formed of the talents of the minority. That of Maryland exhibited proofs of riper ability. It seems to me (if it were not rash either to form or offer any opinion at this distance), that some of the gentlemen warmly opposed to an acceptance of the plan (in the back counties of Virginia) have diffused their objections through-

out those of the two Carolinas which are most remote from the Atlantic shores. In North Carolina violent contests at the election of members for their State convention by a few of those transmountain districts have resulted. In one instance the operation of those intrigues to which I refer probably induced a majority of the voters to bestow their suffrages on men extremely obscure, and unfit from excessive ignorance as is alledged, to discuss or decide upon so great a question. In consequence of this conception the election was interrupted by those who wished men more enlightened, or as the phrase is, more federal; and by force of club law their antagonists were defeated. I understand that North Carolina, but for such forceful zeal in several parts of the country, would not have exhibited a convention so united in support of national system as is now the promise. The prospect now is that they will ratify at any rate. In apology for electioneering violences in that State, which few considerate citizens of our Union will approve or attempt to justify, it may be urged that among the whole thirteen there is not a community, the internal and ferocious disturbances of which more loudly exact the interference of national authority, and controul, such as is now to be delegated by the ratification thus eagerly sought. Already the conflicts for independent power between those who denominate themselves citizens of Frankland and the residue of their neighbours who adhere to the legitimate government, have issued in blood: armed parties within these few months have assaulted each other in open warfare, besieged dwelling houses, inflicting mutual and mortal wounds, and menacing future feuds with which, if not over or quelled by legal authority confessedly paramount to both parties and in some measure constituted for this express purpose, the worst of unsubduable anarchy might be expected to result.

When I contemplate such events and the probability that similar ones might be engendered in various quarters of the union, unless a strong superintending power vest in the general government capable to curb individual licentiousness and suffocate the germs of future discord, I am not surprised at the energy of almost the whole body of our enlightened and leading characters in every State, who otherwise would seem actuated with an unnecessary if not intemperate zeal in a great and a good cause. Thus a person who were superficially to peruse the proceedings even of the liberal and patriotic convention of Maryland, would be led to imagine that the objections and arguments of the minority were treated with too much levity and even disdain by the majority. Whereas a minute scrutiny into the motives and measures of each party would satisfy a candid enquirer. It is not a solecism to say that the opposition to a thorough reform of the federal government began in Maryland, even before the agitation of the question in the general Convention at Philadelphia. Mr. Martin, the Attorney General,

who was primarily appointed to that office by Mr. Chase, was in the same influence deputed to represent the State, after Messrs. Carroll, Johnson, &c., &c., the first choice of the Legislature, declined quitting Maryland even upon the important business of new-framing the national government, Mr. Chase having just before menaced the Senate for rejecting a wide emission of paper money and appealed to the people against them. They had joined in that general issue, and could not venture to relinquish to a violent and headstrong party their active influence in the Senate as well as in the lower House, at the very moment, when it was so essentially needed to stem the torrent of the populace for the paper. Those gentlemen, therefore, remained at home, convinced their fellow citizen of their superior rectitude and wisdom, and defeated that favorite measure of Mr. Chase. Meanwhile Mr. Martin and Mr. John F. Mercer, a young gentleman whom you well know, went to the general Convention, opposed the great leading features of the plan which was afterwards promulged, withdrew themselves from any signature of it, and from the moment when it was proposed for ratification, in conjunction with Mr. Chase and his sure coadjutor Mr. Paca, exerted every effort to hinder its adoption. So far did Mr. Martin proceed in his avowed hostility, as even to detail in the face of decency, before the assembled Legislature of Maryland, the petty dialogues and paltry anecdotes of every description, that came to his knowledge in conventional committees and private conversations with the respective members of the Convention when at Philadelphia. I blushed in my own bed chamber when I read his speech on this side of the Atlantic.

An hostility so premature and determined did certainly render those gentlemen who waged it, obnoxious to many of their fellow citizens, who likewise recollected their warm conduct relevant to the bills of credit, which they had so recently urged Maryland to issue. When the Convention met on the 21st of April, whatsoever proposition came from Messrs. Chase, Paca, Martin or Mercer, was viewed with jealousy or disgust, and generally rejected by a great majority. Nay, so far did this disposition to neglect their sentiments prevail that when to their well grounded objections and most cogent arguments no reply was made, a great majority remained inflexibly silent, or called for the main question; which on Saturday the 26th was carried by 63 to 11. After which Mr. Paca renewed a proposition which had been rejected the day before for the appointment of a committee to consider and report what amendments should be recommended by the Convention of Maryland, when 66 voted for such a committee; and accordingly Mr. Paca, Messrs. Johnson, S. Chase, Potts, Mercer, Goldsborough, Tilghman, Hanson, J. T. Chase, W. Tilghman, Lee, McHenry and Gale were appointed. Upon the following amendments the Committee agreed.

1. That Congress shall exercise no power but what is expressly delegated by this Constitution.

2. That there shall be a trial by jury in all criminal cases, according to the course of proceeding in the state wherein the offence is committed; and that there be no appeal from matter of fact, or second trial after acquittal: but this provision shall not extend to such cases as may arise in the government of the land or naval forces.

3. That in all actions or debts or contracts, and in all other controversies respecting property, or in which the inferior federal courts have jurisdiction, the trial of facts shall be by jury; if required by either party: and that it be expressly declared that the state courts in such cases have a concurrent jurisdiction with the federal courts, with an appeal from either, only as to matter of law, to the supreme federal court, if the matter in dispute be of the value of dollars.

4. That the inferior federal courts shall not have jurisdiction of less than dollars, and there may be an appeal in all cases of revenue, as well in matter of fact as law, and Congress may give the State Courts jurisdiction of revenue cases, for such sums and in such manner, as they may think proper.

5. That in all cases of trespasses done within the body of a county and within the inferior federal jurisdiction, the party injured shall be entitled to trial by jury in the State where the injury shall be committed; and that it be expressly declared that the State courts in such cases shall have concurrent jurisdiction with the federal courts; and there shall be no appeal from either, except on matter of law; and that no person be exempt from such jurisdiction and trial but ambassadors and ministers privileged by the law of nations.

6. That the federal courts shall not be entitled to jurisdiction by fictions or collusions.

7. That the federal judges do not hold any other office of profit or receive the profits of any other office under Congress during the time they hold their commissions.

8. That all warrants without oath or affirmation of a person conscientiously scrupulous of taking an oath, to search suspected places, or to seize any person or his property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend any person suspected, without naming and describing the place or person in special, are dangerous and ought not to be granted.

9. That no soldier be enlisted for a longer time than four years, except in time of war, and then only during the war.

10. That soldiers be not quartered in time of peace upon private houses, without the consent of the owners.

11. That no mutiny bill continue in force longer than two years.

12. That the freedom of the press be inviolably preserved.

13. That the militia shall not be subject to martial law, except in time of war, invasion or rebellion.

Thus far there was a concurrence in opinion either unanimously or by a considerable majority of the committee. But when the following amendments were laid before the committee, a majority negatived the same:

That the militia unless selected by lot or voluntarily enlisted shall not be marched beyond the limits of an adjoining state, without the consent of their legislature or executive.

That Congress shall have no power to alter or change the time, place or manner of holding elections for senators or representatives, unless a State shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion; in which cases only Congress may interfere until the cause be removed.

3. That in every law of Congress imposing direct taxes, the collection thereof shall be suspended for a reasonable time therein limited, and on payment of the sum by any State, by the time appointed, such taxes shall not be collected.

4. That no standing army shall be kept up in time of peace unless with the consent of two thirds of the members present of each branch of Congress.

5. That the president shall not command the army in person, without the consent of Congress.

6. That no treaty shall be effectual to repeal or abrogate the constitutions or bills of rights of the States, or any part of them.

7. That no regulation of commerce or navigation act shall be made, unless with the consent of two thirds of the members of each branch of Congress.

8. That no member of Congress shall be eligible to any office of profit under Congress during the time for which he shall be appointed.

9. That Congress shall have no power to lay a poll tax.

10. That no person conscientiously scrupulous of bearing arms in any case, shall be compelled personally to serve as a soldier.

11. That there be a responsible council to the president.

12. That there be no national religion established by law, but that all persons be equally entitled to protection in their religious liberty.

13. That all imposts and duties laid by Congress shall be placed to the credit of the State in which the same be collected, and shall be deducted out of such State's quota of the common or general expences of the government.

14. That every man hath a right to petition the legislature for redress of grievances in a peaceable and orderly manner.

15. That it be declared that all persons entrusted with the legislative or executive powers of government are the trustees and servants

of the public, and as such accountable for their conduct. Wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may and of right ought, to reform the old, or establish a new government; the doctrine of non resistance to arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

The introduction of these articles, especially the 7th and 13th, alarmed and gave offence to many of those among the majority, who suspected the motives of Mr. Chase and his particular associates to be sinister and altogether hostile to any effectual plan of national government. And on Monday the 29th, while the committee were sitting, the Convention upon motion resolved, "That this Convention will consider of no propositions for the amendments of the federal government, except such as shall be submitted to them by the Committee of thirteen." Upon which the Committee, being sent for by the Convention, a majority of them determined that they would make no report of any amendments whatsoever. The Convention immediately adjourned sine die. Since which William Paca, Messrs. S. and J. T. Chase and John F. Mercer, members of the Committee; and Messrs. Martin, Cockey, Harrison, Love, Cromwell, Pinckney and 2 Ridgeleys, members of the Convention, have appealed to the public, complaining of the Convention, defending their own conduct and asserting that they "consider the proposed form of national government as very defective, and that the liberty and happiness of the people will be endangered if the system be not greatly changed and bettered."

I have undertaken this local detail because I thought it might not be unentertaining to you, especially if you have seen no other narrative of the proceedings in Maryland except that which in a Boston paper of May 23 I transmitted to you through Mr. Parker. I have also enclosed for the same purpose of amusing, the manly proceedings of a Virginia Court of Appeals. Without knowing the particular merits of the cause, I may venture to applaud the integrity of Judges who thus fulfill their oaths and their duties. I am proud of such characters. They exalt themselves and their country, while they maintain the principles of the constitution of Virginia, and manifest the same unspotted probity of its judiciary department. I hope you will not think me too locally or statically envious when I mention that a similar instance has occurred in Massachusetts. Where when the legislature unintentionally trespassed upon a barrier of the Constitution, the judges of the Supreme Court solemnly determined, that the particular statute was unconstitutional. In the very next session there was a formal and unanimous repeal of the law, which perhaps was unnecessary.

I have just heard from New York that Mr. Jay, who was reported

to be mortally hurt in the late *anatomical* riots there, is in tolerable health. . . .

If a good private opportunity occurs soon I will transmit you a pamphlet or two lately written in various parts of the Union. The most inferior I have perused upon the federal government is attributed (erroneously I believe) to Mr. St. George Tucker. Judge Hanson of Maryland treats the same topic well. But Mr. Madison, (who I am assured is the *genuine* author of the two volumes of essays signed *Publius*, and heretofore given to Col. Hamilton of New York) it is agreed transcends every politician who has attempted to explain or defend any system of federal polity. . . .

This day his britannic majesty is expected to put an end to the present session of parliament in a satisfactory and pacific speech to both houses. Much of the past three weeks has been consumed in framing a bill to regulate the transportation of slaves from Africa to the West India Islands. The attempt or supposed attempt to interfere in a branch of commerce so lucrative and extensive excited great alarm and warm opposition among the individuals interested in the same, who are against every species of innovation. Few acts have undergone more [*illegible*] tation or remark, from their origin to ultimate legitimacy; altho' but an extemporaneous measure to accomplish an humane object. Some national and superior system of legislation will I hope be devised by our country gently to prepare the negroes for that reception of their natural rights which might be effected without distracting society or extinguishing property! . . .

JOHN BROWN CUTTING.

JOHN B. CUTTING TO THOMAS JEFFERSON.

[*Extract.*]

[LONDON, August, 1788.]

. . . There is a gentleman just arrived from Virginia who left the convention debating on the 11th of June. He says he attended several days, and that nothing can exceed the seeming violence with which Mr. Henry and Col. Grayson combat the constitution, except the ability with which Mr. Madison and Governor Randolph advocate it. Mr. Henry used such harsh language in reprobating the fickle conduct of the latter that the House compelled him to ask that gentleman's pardon. . . .

JOHN BROWN CUTTING.

JOSEPH JONES TO JAMES MADISON.

RICHMOND, 8 August, 1788.

DEAR SIR, — Hearing you were about to leave Richmond, I called the morning you set out to see you, but Anderson informed me you had walked out and to what place he could not tell. I not only wished to take you by the hand before you went away, but was desirous also of apologizing to you for so long delaying the payment of the balance I owe you. Although I have and knew I could presume on the privilege of friendship to suit my convenience in the matter, yet I have been uneasy lest in gratifying those who have been importunate, I may have subjected you to inconvenience. I have hopes of being able to accommodate you before Christmas.

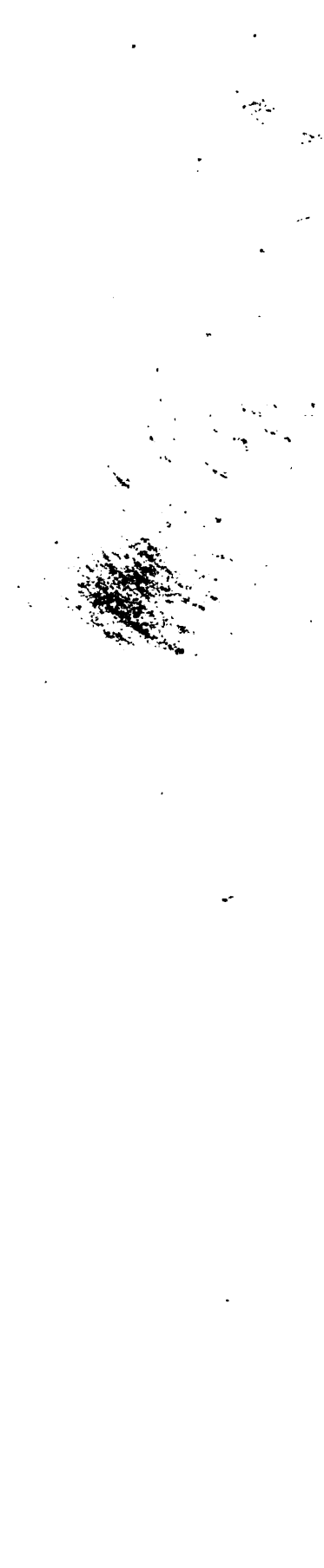
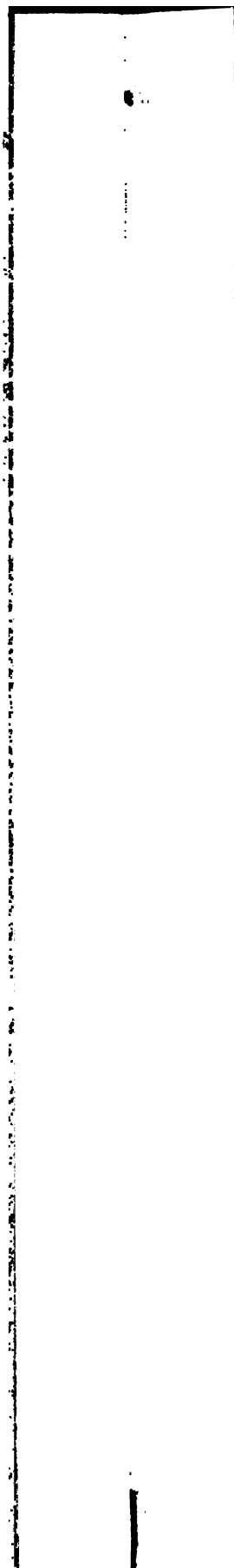
A general acquiescence under the decision of our convention seems to prevail through the country. We have no information from North Carolina, consequently cannot communicate even a conjecture what will be the result of their deliberations. From New York we daily expect a communication of their decision, which from the accounts published in the newspapers will probably be a rejection, or something equal to it. What has been the real object of the motion of Dane and Williamson respecting the military locations on the Cumberland and the reserved territory northwest of the Ohio? I suspect something at bottom more than is expressed. The French minister seems to be warm in his applications in the case of Ferriar. A full answer to his note to Mr. Jay was sent sometime ago, but the Secretary's absence has, I suppose, delayed the communication to him. The delegates will receive a copy of it. He seems to expect a strict conformity to the stipulations of the consular Convention, which the Delegates say Congress have not ratified, and I have never heard it rested solely with Congress to give it operation. Was it the fact, the minister should not have expected a perfect obedience in the States to the stipulations of that act before it was complete and promulgated. Much less ought he to have insinuated a connivance in the State to the liberation of the men from the consular power before he was better informed of facts, and the authority of the Executive to exercise the powers he supposes they possess. I do not wonder at the zeal of the Count on this occasion, as the conduct of the man was very reprehensible, and such violations of trust, especially in commercial countries call for animadversion and punishment; but I think his language and conclusions too strong and not following from the premises.

I leave this place to morrow, and shall pass a few weeks up the country, not to return here perhaps before October. When you write

direct your letters to Fredericksburg, where I shall mostly be, and in Orange and Culpeper.

The late storm has, from all I can learn, and the frequent rains since, destroyed the crop of tobacco. That which was not drowned is spotting and burning.

JOS. JONES.



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